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The  
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**THE**  
**GOVERNMENT OF THE PEOPLE**  
**OF THE STATE OF**  
**KANSAS**

**BY**  
**FRANK HEYWOOD HODDER**  
**PROFESSOR OF AMERICAN HISTORY IN THE UNIVERSITY OF KANSAS**



**PHILADELPHIA**  
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1901

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THE welfare and safety of the citizen depend much more directly upon the administration of state and local government than upon that of the nation. Although this fact is well known, its force is not felt and national issues almost monopolize public attention. In the hope that it may help to emphasize the duties that rest upon the people, as citizens of a state, this little book has been prepared.

The central government of the State is described first, upon the theory that it is more logical to begin with the branch through which the minor political divisions receive their authority, than it is to begin with the minor divisions and work backwards. More space than usual is given to the machinery of taxation, party organization and elections. It is expected that the Constitution will be carefully studied, and on this account many of its provisions are not repeated in the text. To facilitate reference and recitation, a full table of its contents is added. The Constitution must not be "that part of the book at the end, which nobody reads."

The class should, if possible, be provided with a copy of the "General Statutes," and with the "Session Laws" since their issue, by means of which they should be encouraged to find for themselves the answers to the many questions which the text ought to suggest. The teacher is advised to keep for the use of classes a scrap-book in which primary, convention and election calls, ballots, blanks used by various officers and other illustrative material, may be preserved. Various reports of State and local officers are also useful.

Criticisms, suggestions and questions that occur to teachers who may use this book as a text, will be gladly received.

Acknowledgment is due to Professor Thorpe for a few paragraphs taken from his text-book on "The Civil Government of Pennsylvania."

F. H. H.

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CHARLES ROBINSON, FIRST GOVERNOR OF THE STATE OF KANSAS.

# KANSAS.

## CHAPTER I.

### THE ESTABLISHMENT OF CIVIL GOVERNMENT IN KANSAS.

1. **Slavery.**—The organization of Kansas, first as a territory and later as a state, is a part of the history of the struggle over slavery which divided the Northern and Southern states, from the adoption of the Constitution to the end of the Civil War. Of the original thirteen states, seven were free and six were slave. The early admission of Vermont as a free state and of Kentucky and

Tennessee as slave states, gave to each section an equal number of states and an equal representation in the Senate. Until 1820, this equality between the sections was preserved and the contest over slavery postponed by the alternate admission of free and slave states.

**2. The Missouri Compromise.**—In 1820 the contest over the admission of Missouri alarmed the country “like a fire-bell in the night.” The year before, both Alabama and Missouri had applied for admission to the Union as slave states. Alabama was admitted without question as an offset to Illinois, admitted in 1818, thus giving each section eleven states and equal representation in the Senate. The question of admitting Missouri was postponed. The North was beginning to awaken to the necessity of checking the extension of slavery. Missouri was on the border between the two sections, and might, so far as location was concerned, become a free state. To admit it with slavery, would give the South an extra state. Just at this time Maine applied for admission as a free state. The South refused to admit Maine unless Missouri was admitted with slavery. The North refused to admit Missouri as a slave state unless the South would agree that the states which should thereafter be formed out of the Louisiana purchase, north and west of Missouri, should be free. After a severe struggle, the question was settled by the celebrated Missouri Compromise. Maine was admitted as a free state and Missouri as a slave state, thus preserving the equality of the sections, and it was provided that in all of the territory ceded by France to the United States under the name of Louisiana which lay north of  $36^{\circ} 30'$ , except Missouri, slavery should be forever prohibited.

**3. Abolitionists.**—In 1833 the followers of William Lloyd Garrison organized in Philadelphia the American Anti-Slavery Society. The abolitionists, as these men were called, declared for the immediate and universal emancipation of the slaves. Although few were ready to

adopt the extreme measures proposed by the abolitionists, their crusade against slavery aroused the North to an appreciation of its evils, and established a strong and growing sentiment in favor of checking slavery by all constitutional means and preventing its further extension in the territories. Upon the South the agitation had the opposite effect of redoubling the efforts of the people in defense of their "peculiar institution" and of increasing their bitterness toward its opponents.

4. *Texas.*—It was clear to the South that, if they were to keep abreast of the North, new territory must be acquired out of which to make slave states, to offset the free states which in time would be formed in the northwest. For this purpose the annexation of Texas was effected in 1845. The number of states in the two sections was still equal. Michigan balanced Arkansas, and Iowa and Wisconsin balanced Florida and Texas.

5. *The Compromise of 1850.*—With the annexation of Texas came the Mexican War and, as a result, an immense increase of territory, from which the South hoped to make slave states. Even before peace was concluded the struggle over the disposition of the territory began. The first fruit of the conquest was a great disappointment to the South. Gold was discovered in California, the country was rapidly settled, a state government organized, and a petition for admission as a free state forwarded to Congress. The South had conquered Mexico only to secure material for more free states. In 1850 the contest over slavery was again postponed by another compromise, which admitted California to the Union as a free state. In California the North gained an extra state. Where could the South organize a state to offset it? Slavery would not flourish on the barren soil of New Mexico and Utah. All of the remaining territory of the United States was free under the Missouri Compromise. Part of it must be recovered or the cause of slavery would be lost

to the South forever. On the other hand, if the North could maintain its advantage the battle for freedom would be won. Herein lay the importance of the struggle for Kansas.

**6. Repeal of the Missouri Compromise.** In 1854, Congress repealed the Missouri Compromise by passing what was known as the Kansas-Nebraska act. This act provided for the organization of two territories in the country lying north and west of Missouri to the Rocky Mountains: Kansas between the 37th and 40th parallels, and Nebraska between the 40th and 49th parallels. The most important feature of this act was its repeal of the Missouri Compromise with respect to the two territories. This step was considered a breach of faith by the people of the North, who regarded the Compromise as a solemn compact between the sections, that the territory in question should be forever free. The South, on the other hand, maintained that the Missouri Act had no greater authority than any other law, and that it was within the discretion of any Congress to repeal any act passed by a preceding one. The Kansas-Nebraska Act declared that its true intent and meaning was "not to legislate slavery into any territory or state, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." This was in accordance with the doctrine of popular sovereignty, championed by Stephen A. Douglas, of Illinois. However alluring the doctrine might be in theory, experience was soon to prove that in practice its consequences were fearful. Kansas became the battlefield in the struggle between the sections for pre-eminence.

**7. Territorial Government.**—The Kansas-Nebraska Act, more commonly called the "Organic Act," provided a territorial government of the usual form for each of the proposed territories. The executive department consisted of a governor and a secretary, appointed

by the President. It was the duty of the governor to execute the laws, grant pardons, commission officers and command the militia. The secretary kept a record of the laws passed by the legislature and of the acts and proceedings of the governor and acted as governor in case of the death, removal, resignation or absence of that officer. The legislature consisted of a council and house of representatives, both elected by the people. The persons entitled to vote at the first election were free white male inhabitants, above the age of twenty-one years, who were actual residents of the territory and citizens of the United States, or had declared their intention to become citizens. The judiciary consisted of a chief justice and two associate justices, appointed by the President. Other officers, also appointed by the President, were the United States marshal and the attorney for the territory.

**8. The Emigrant Aid Company.**—As soon as it became known that Kansas was to be opened for settlement, preparations were made both North and South for its occupation. It was important to be first in the field and to secure the organization of the territorial government. Even before the Kansas-Nebraska bill was signed, the Massachusetts Emigrant Aid Company was chartered. In 1855 it was reorganized under the name of the New England Emigrant Aid Company. The idea and organization of this association were due to the genius and energy of Eli Thayer, of Worcester, Massachusetts. The object of the society was to settle Kansas with Northern men, to organize its territorial government without slavery and to found a free state. This was to be done by arousing interest in emigration, organizing companies of emigrants, furnishing them with needed information, securing for them favorable rates of transportation and furnishing capital to assist them in the settlement of a new country. During the period of its activity, the Emigrant Aid Company expended nearly \$150,000 and assisted 3000 persons to



settle in Kansas. This was, of course, but a small proportion of the emigrants from the free states, but the example set by the Emigrant Aid Company led to the formation of similar associations all over the North and started thousands on their way to Kansas.

**9. Southern Preparations.**—Throughout the Southern states preparation for the settlement of Kansas was made by the organization of secret societies variously known as Blue Lodges, Social Bands or Sons of the South. Their object was to secure Kansas for slavery. The most active preparations were made in Missouri, under the leadership of David R. Atchison and Benj. F. Stringfellow. Missouri was nearest the scene of conflict and hence most interested in the result. If slavery were excluded from Kansas, Missouri would be nearly surrounded by free states, and it was felt that slaves would escape so easily that their value would be destroyed and that the state itself must ultimately become free. Feeling ran high against the opponents of slavery. They were all classed as abolitionists, and public meetings declared that no abolitionist would be allowed to settle in Kansas. In the rivalry between the two sections for the control of the new territory, the South had the advantage of nearness to the scene of action, while the North had the larger population, greater energy and wealth. It resulted naturally, therefore, that the first gains were made by the South, and that the final victory rested with the North.

**10. First Settlements.**—Emigrants poured into the new territory as soon as the act for its organization passed. Missourians crossed the border and staked out the most desirable land. Towns were established by the organization of town companies. Subscribers for stock were entitled to draw as many lots as they held shares in the companies. The Leavenworth town company was organized in June and the Atchison town company in July of 1854. Both towns were settled chiefly by Missourians,

and were the first headquarters of the pro-slavery party. The first settlers sent out by the Emigrant Aid Society reached the present site of Lawrence August 1, 1854. Two weeks later they were reinforced by a second party, conducted by Dr. Charles Robinson, who came as the agent of the society. Lawrence was from the first the stronghold of the anti-slavery party. In December of 1854, Topeka was founded and the next year other towns followed in rapid succession.

**11. Character of the Emigrants.**—The settlers in Kansas during the first years of her history fall naturally into three principal classes. First were those emigrants from the North who came partly to improve their economic condition, but chiefly to help build up a free state and to save Kansas from slavery. In this class there were some abolitionists, but by far the greater part were moderate men, who believed in checking slavery by preventing its further extension in the territories. The second class was composed of men from the South, equally determined to make Kansas a slave state. In their view, slavery was guaranteed by the Constitution of the United States, and the slaveholder had as good a right to carry slaves into the territories as he had to take any other property. The South had lost ground in the race between the sections and Kansas presented the last chance of recovering it. The third class consisted of adventurers of various sorts from both sections, broken-down politicians, restless, lawless men, to whom the restraints of civilization were irksome, ruffians and fugitives from justice, a class of men who always drift to new countries. They cared not whether slavery was voted up or down, but were ready to embrace any party that promised them office and power, and welcomed a state of society in which murder, arson and robbery would go unpunished. It was the presence of this class, ranged as they were on both sides in the politi-

cal contest, that accounts largely for the disorder and bloodshed in the early history of the state.

**12. The First Election.**—Andrew H. Reeder, the first territorial governor of Kansas, arrived in Leavenworth in October, 1854. He called the first election for November 29th, to choose a delegate to Congress. Whitfield, the pro-slavery candidate, was elected. The pro-slavery party probably had a majority in the territory, and Whitfield would have been elected without the aid of fraudulent votes. But according to the report of a Congressional committee, out of 2843 votes cast, only 1114 were legal against 1729 illegal ones.

**13. The Election for Territorial Legislature.**—The first census was completed in February, 1855. The returns showed a population of 8501 persons, of whom 2905 were voters. The governor called an election, to be held March 30th, to choose members of the territorial legislature. Upon the result depended the character of the government that would be organized. On the day appointed, thousands of Missourians swarmed across the border, became "actual residents" of Kansas for a day, overawed the election officers and deposited their ballots for the pro-slavery candidates. 1410 legal votes and 4908 illegal votes were cast. Of the legal votes 791 were for anti-slavery and 619 for pro-slavery candidates. Nevertheless the governor issued certificates of election to all but eight of the pro-slavery candidates. In the case of eight a new election was ordered and their places were filled by anti-slavery men.

**14. The First Session of the Legislature.**—The illegally elected legislature met at Pawnee, near Fort Riley, in July, 1855. The first step was to unseat the anti-slavery members and admit pro-slavery ones in their place. The second was to adjourn, in defiance of the governor, to Shawnee Mission, on the Missouri border. Reassembled at Shawnee, the legislature re-enacted the laws of Missouri almost entire, with the provision that, if the word *Mis*

souri should occur in the printed laws, it should be understood to mean the Territory of Kansas. A barbarous slave code was passed, which provided that any person who should advise or assist an insurrection of slaves should suffer death; that any person who should assist a slave to escape should suffer death or be imprisoned at hard labor for not less than ten years; that any person who should publish or circulate any paper containing statements, arguments or opinions calculated to produce disaffection among the slaves, should be imprisoned at hard labor for not less than five years; and that any person who should deny the right to hold slaves in the territory should be imprisoned at hard labor for not less than two years. The territory was divided into counties and all county officers were appointed by the legislature for a term of two years. The capital was located at Leecompton. The legislature adjourned August 30th. Before this, Governor Reeder had been removed from office by the President, and Wilson Shannon of Ohio appointed to succeed him.

**15. Organization of the Free-State Party.**—As the pro-slavery party had secured absolute control of the territorial government for at least two years, the free-state leaders decided to frame a Constitution and apply for admission to the Union. With this end in view, a convention was called to meet at Big Springs, a few miles west of Lawrence, September 5, 1855. The convention denounced the territorial legislature, nominated Reeder for delegate to Congress and called a second convention to be held later in the month at Topeka to decide the question of a constitutional convention. The Topeka convention decided in favor of a constitutional convention and arranged for the election of members.

**16. The October Elections, 1855.**—The territorial government held a second election for delegate to Congress on the 1st of October. Whitfield was re-elected, receiving 2721 votes, all but 17 of the whole number cast.

The free-state men refused to recognize the validity of the government by participating in the election and refrained from voting. October 9th they held a separate election and cast 2849 votes for Reeder as territorial delegate and chose members for their constitutional convention.

**17. The Topeka Constitution.**—The members of the constitutional convention assembled in Topeka, October 23, 1855, and continued in session until November 11. James H. Lane was chosen president of the convention, and from this time forward he continued to be one of the most prominent of the free-state leaders. The Constitution framed by the convention was submitted to the people December 15th, and ratified by a vote of 1731 against 46, the pro-slavery party not voting. January 15, 1856, an election was held for state officers under the new Constitution, at which Charles Robinson was chosen governor. The free-state legislature, elected at the same time, met and organized March 4th, framed a memorial asking for admission as a state under the Topeka Constitution, and then adjourned to await the action of Congress. When the legislature again met, on July 4, 1856, it was dispersed by United States troops. The legislature met subsequently from time to time, but never became an actual government. The National House of Representatives passed a bill on July 3d to admit Kansas as a state under the Topeka Constitution, but the bill failed in the Senate. The Topeka Constitution, therefore, never went into effect. It served, however, as a "rallying point, without which the free-state forces must have drifted, become demoralized and probably beaten."

**18. The Wakarusa War.**—There were now two distinct parties in Kansas. The pro-slavery party had complete control of the territorial government, which was recognized as the legal government by the President of the United States. The free-state party, seeking the admission



of Kansas as a state under the Topeka Constitution, refused all obedience to the acts of the territorial government, but took care not to oppose directly the government of the United States. A collision between the two parties was inevitable. It came just after the Topeka Constitution was framed and before it was submitted to the people for ratification. November 21, 1855, a free-state man by the name of Dow was murdered at Hickory Point, ten miles south of Lawrence. Five days later one Jones, a resident of Westport, Mo., who had recently been appointed sheriff of Douglas County, arrested a friend of Dow named Branson, for having threatened to avenge the murder, and set out with him for Lecompton. A party of free-state men started in pursuit, overtook Jones and set Branson free. This rescue was made the pretext for an attack upon Lawrence. Sheriff Jones called for a posse of three thousand men to assist in enforcing the law and Governor Shannon called out the militia. Gradually a force of about two thousand armed men, mostly Missourians, collected at Franklin, in the Wakarusa Valley, a short distance east of Lawrence. The people of Lawrence organized a committee of safety, appointed Governor Robinson commander-in-chief and prepared to defend themselves as best they could. Finally Governor Shannon, alarmed at the prospect, came to Lawrence and, acting as mediator, succeeded in patching up a peace, known as the Treaty of Lawrence. According to the terms of the treaty, the citizens of Lawrence disavowed the rescue of Branson and the posse agreed to disband and go home. This ended the first attack upon Lawrence, which is usually known as the "Wakarusa War." One free-state man, Thomas Barber, was killed during its progress.

**19. The Destruction of Lawrence.**—The Treaty of Lawrence proved but a truce. The intense severity of the winter prevented further operations for a time, but in the spring several events occurred which served as an



excuse for a renewal of hostilities. April 19, 1856, Sheriff Jones appeared in Lawrence with warrants for the arrest of the Branson rescuers. He was unable to make any arrests and four days later reappeared with a detachment of United States troops. That night, while sitting in his tent, he was shot but not seriously injured, by some unknown person. A public meeting denounced and disclaimed responsibility for the shooting, but Jones was not appeased. Early in May a session of the district court was held for Douglas County. Chief-Justice Lecompte instructed the grand jury that the territorial laws were laws of the United States and that persons resisting them were guilty of treason. In accordance with these instructions the jury indicted Reeder, Robinson and other free-state leaders for treason. Reeder resisted arrest and escaped from the territory in disguise. The others were arrested and confined at Leecompton for four months, when they were released on bail. A year later Robinson was tried and acquitted. The other cases were not prosecuted. At the same time that the free-state leaders were indicted, the grand jury recommended that the free-state papers published in Lawrence be abated as nuisances and that the free-state hotel be destroyed. This action was sufficient provocation for a renewal of the attack upon Lawrence. May 11th, the United States marshal called for a posse sufficient in number to execute the law. The proslavery forces began to assemble. May 21st, they entered the town, under the command of Sheriff Jones, destroyed the newspaper offices, burned the free-state hotel and the residence of Governor Robinson, and rifled the stores.

**20. Civil War.**—John Brown, afterwards famous as the leader of the Harper's Ferry insurrection, first appeared in Kansas during the "Wakarusa War" and took a prominent part in the defense of Lawrence. He disapproved of the treaty and withdrew to Osawatimie. When the news of a second attack upon Lawrence reached him,

he started with a body of men for the scene of action. Hearing, on the way, of the sack of Lawrence, Brown determined upon revenge. With seven or eight men, on the night of May 24th, he surprised five pro-slavery settlers living near Pottawatomie Creek and murdered them. Brown's responsibility for this affair was immediately suspected but not absolutely known until long afterwards. Captain Pate, with a party of Missourians, who had not yet returned from the attack upon Lawrence, started for Osawatimie in pursuit of Brown. Brown and Pate met near Black Jack, a fight ensued, which is usually known as the Battle of Black Jack, and Brown captured Pate. Pate was soon after released by United States troops. During the summer, irregular war raged throughout the territory. August 12th, a party of free-state men destroyed the block-house at Franklin, east of Lawrence, and four days later took Fort Titus, a pro-slavery stronghold near Leecompton. August 30th, a large body of Missourians attacked Osawatimie and completely destroyed the town.

**21. The Third Raid on Lawrence.**—During the summer of 1856, Governor Shannon was removed from office and a little later John W. Geary, of Pennsylvania, was appointed to succeed him. Geary was a man of energy and decision of character. He reached Leecompton September 10th, and immediately issued a proclamation ordering all armed organizations upon both sides to disband. Before his arrival acting-Governor Woodson had issued a proclamation, declaring the territory in a state of insurrection and calling upon the militia for assistance. Pursuant to this call armed bands of Missourians were gathering about Lawrence, preparatory to a third attack upon the town. As they paid no attention to the orders to disperse, Governor Geary hastened to Lawrence September 14th, and arrived just in time to prevent the attack. By mingled threats and entreaties he succeeded in inducing the Missourians to disband and return to their homes. By these

energetic measures, peace was temporarily restored. John Brown was present in Lawrence during the siege, but immediately afterward left the territory and did not return until the summer of 1858. In 1859 the territorial legislature appointed a commission to ascertain the amount of property destroyed during the period of civil strife, lasting from November, 1855, to December, 1856. The value of property destroyed by pro-slavery men was placed at \$318,000, and the value of that destroyed by free-state men at \$94,000, making a total of \$412,000. The commission estimated that the total loss, including cost of equipping expeditions, amounted to \$2,000,000, and that the number of lives lost during the same period exceeded two hundred.

**22. The Territorial Legislature.**—The second session of the territorial legislature was held at Lecompton from January 12 to February 21, 1857. The independent attitude of the governor rendered a contest with the pro-slavery legislature inevitable. The most important measure of the session provided for a convention to frame a state Constitution. Governor Geary vetoed the bill, chiefly upon the ground that there was no provision for submitting the proposed Constitution to a popular vote, but the legislature promptly passed it over his veto. As time passed, the governor's difficulties increased; pro-slavery ruffians threatened his life, the commanding officer at Fort Leavenworth refused him protection and the legislature ignored his authority. Unable single-handed to maintain his position, he resigned March 4, 1857, and a week later he fled from the territory.

**23. Governor Walker.**—On the same 4th of March that Geary resigned his office, President Buchanan was inaugurated at Washington. Within the month Robert J. Walker, of Mississippi was appointed governor, and Frederick P. Stanton, of Tennessee, secretary of Kansas. Walker was by far the most distinguished man

ever sent to Kansas. He had been twice elected United States Senator and had served as Secretary of the Treasury under Polk. The administration felt that the emergency demanded a man of national reputation, and on this account Walker was selected. He accepted the office very reluctantly and only upon the condition that any Constitution that should be framed for Kansas should be submitted to the people for ratification.

**24. The Elections of 1857.**—The act of the territorial legislature for the election of delegates to a constitutional convention provided for the registration of voters for the election. The census taken under the law was very incomplete. Only 9251 voters were registered, and in some counties there was no registration at all. At the election of delegates to the convention, held June 15th, the free-state men refused to take part, so that of the 9251 voters registered only 2200 cast their ballots. The delegates therefore represented but a small minority of the people. The result proved that the free-state men might have controlled the election if they had seen fit to vote. Profiting by this experience, free-state conventions during the summer decided to take part in the fall election for the territorial legislature. The election occurred October 5 and 6, 1857, and the free-state party elected a majority of both houses of the legislature, thus gaining control of the territorial government.

**25. The Lecompton Convention.**—The constitutional convention met at Lecompton in September and adjourned until October 19th, when they reassembled and continued in session until November 7th. The Constitution framed by the convention was wholly in the interest of slavery. It declared that the right of property was higher than any constitutional sanction and that the right of an owner of a slave to such slave was the same and as inviolable as the right of the owner of any property whatever. The legislature was forbidden to pass any laws for the

emancipation of slaves without the consent of their owners or without paying them a full equivalent in money for the slaves emancipated. Another section provided that free negroes should not be allowed to live in the State under any circumstances. Instead of submitting the Constitution fully and freely to the people for ratification or rejection, the convention provided that ballots should be cast only for the "Constitution with Slavery" or for the "Constitution with no Slavery." All persons offering to vote were required to take an oath to support the Constitution and the Constitution was not to be amended in any way for seven years, and even then no alteration could be made in the provisions respecting slavery. Even if a majority voted for the "Constitution with no Slavery," the right of property in slaves already in the territory was in no way to be interfered with. A week after the constitutional convention adjourned, Governor Walker left for Washington to oppose its action in refusing to submit the Constitution to a popular vote. Finding that the administration would not sustain him, he resigned. In Walker's absence Secretary Stanton called an extra session of the territorial legislature, in which the free-state party had recently secured control. For this act Stanton was immediately removed and John W. Denver was appointed in his place. The legislature passed an act submitting the Lecompton Constitution to a vote of the people. The election ordered by the convention was held December 21st, and the free-state party refrained from voting. 6143 votes were returned for the "Constitution with Slavery" against 589 for the "Constitution with no Slavery," but nearly half the former number were fraudulent. The election ordered by the legislature was held January 4, 1858, and this time the pro-slavery party refrained from voting. 10,226 votes were cast against the Constitution and only 162 in its favor.



**26. The Lecompton Constitution in Congress.**—The contest was now transferred for a time from the soil of Kansas to the halls of Congress. At the opening of the session, President Buchanan in his annual message advised the admission of Kansas under the Lecompton Constitution. February 2, 1858, he transmitted the Constitution to Congress with a special message urging its acceptance. In accordance with this recommendation the Senate passed a bill to admit Kansas under the Lecompton Constitution. By opposing that bill Senator Douglas began that division in the Democratic party which two years later resulted in the disruption of the party. The House refused to force a pro-slavery Constitution upon Kansas against her will and amended the Senate bill so as to provide that the Constitution be again submitted to a popular vote, and, if ratified, that the State be admitted, but, if rejected, that the people frame a new Constitution. The Senate refused to concur in the House amendment and a committee of conference was appointed. The conference committee reported a substitute, known from its author as the "English bill," which passed both Houses of Congress on the 30th of April, and was signed by the President on the 4th of May. The "English bill" proposed to induce the people of Kansas to accept the Lecompton Constitution by means of a bribe and a threat. The Constitution was again to be submitted to popular vote. If ratified, Kansas was to be admitted and receive as a reward a large grant of public lands. If rejected, the people were not to be authorized to frame another Constitution until the population of the territory should equal the ratio of representation required for a member of Congress, which was at that time over 193,000. Under the provisions of the "English bill," the Lecompton Constitution was again submitted to the people. The election was held on the 2d of August. 11,300 votes were cast against



the Constitution and only 1788 in its favor. This ended the attempt to force slavery into Kansas.

**27. The Leavenworth Constitution.**—While these events were taking place, still another Constitution was framed in Kansas. In February, 1858, the territorial legislature called a new constitutional convention. Notwithstanding the veto of Secretary Denver, who was soon after appointed governor, delegates were elected and met at Minneola, whence they adjourned to Leavenworth. Here a free-state Constitution was adopted, identical in large part with the earlier Topeka Constitution. When submitted to the people, only a light vote was polled in its favor, and Congress never took any action respecting it.

**28. South-eastern Kansas.**—During the whole of the territorial period, the history of South-eastern Kansas was quite distinct from that of the North-eastern part, and its events had little effect upon the constitutional struggle. South-eastern Kansas was at first almost entirely settled by pro-slavery men from the Southern states. A few free-state men had come here, however, and in the autumn of 1856 one Captain Clarke attacked them, destroyed their property and drove them from their homes. The free-state men organized for defense, under the leadership of James Montgomery, and, finding guerrilla warfare quite to their liking, continued to raid and rob pro-slavery men both in Kansas and Missouri, for a year or more. In the spring of 1858, Charles A. Hamilton, of West Point, Mo., raised a band of men for the purpose of making reprisals. Crossing the Kansas line to Trading Post, Linn County, on the 19th of May, 1858, he seized eleven free-state men, and taking them to a ravine near the Marais des Cygnes, shot them down in cold blood. Five of the men were instantly killed, five were seriously wounded but afterwards recovered, and one escaped unharmed by feigning death. In June, Governor Denver made a tour through the south-eastern counties and succeeded in temporarily restoring

peace. At this time John Brown reappeared and joined Montgomery. The truce did not last long. December 16th, Montgomery made an attack upon Fort Scott and a few days later Brown made a raid into Missouri, where he liberated twelve slaves, with whom he immediately left for Canada. In 1859 the territorial legislature passed a general amnesty act covering all political offenses, and the troubles in South-eastern Kansas gradually subsided.

**29. The Wyandotte Constitution.**—In February, 1859, the territorial legislature passed an act referring to the people the question of calling another constitutional convention. The election held in March resulted favorably to a new convention. Delegates were chosen in June and met at Wyandotte, now Kansas City, in July. They were for the most part young men, the earlier leaders having grown tired of fruitless Constitution-making. A new Constitution was framed upon the model of the constitution of Ohio. October 4th, it was ratified by the people, and December 6th, an election of officers under the new Constitution was held, at which Charles Robinson was elected governor. Kansas had still to wait some time for admission to the Union. A bill for her admission passed the House of Representatives April 11, 1860, but a favorable vote could not be secured in the Senate until the Southern senators had withdrawn. The bill was finally passed January 21, 1861, and signed by the President on the 29th. February 9th, Governor Robinson was inaugurated, and thus was finally established the civil government of the State of Kansas. On the same day Jefferson Davis was elected President of the Southern Confederacy, and the war that began in Kansas was extended to the entire Union.

**30. Progress in Kansas.**—The Wyandotte Constitution fixed the capital temporarily at Topeka and this location was made permanent by a vote of the people at the fall election of 1861. The government of Kansas has continued under this Constitution until the present time.

Very few changes have been made in the course of thirty-five years. Of the more important amendments, one, adopted in 1875, extended the terms of senators and representatives and provided for biennial instead of annual sessions of the legislature, and another, adopted in 1880, prohibited the manufacture and sale of intoxicating liquors. When the State was admitted into the Union, there were only a few organized counties along the eastern border; now one hundred and five counties cover her entire territory. The population has increased from a little over one hundred thousand in 1860 to nearly a million and a half in 1895. The increase in wealth and prosperity has been almost uninterrupted since the close of the Civil War. The people of Kansas have always been exceptionally liberal in their support of educational institutions. Common schools are to be found everywhere. All of the larger towns and several counties support high schools of high rank. The State Agricultural School at Manhattan, the State Normal School at Emporia and the State University at Lawrence compare favorably with the best institutions of their kind in the older and wealthier states.

**31. The Future of the State.**—What shall be the future of our State? That future depends upon the men and women, the boys and girls of to-day. Throughout the wide world there is no land so full of opportunities as our own. We are free to make our institutions ideal in their perfection. But our civil institutions depend upon the citizen for their strength and character. He makes the government in township, city, county, state and nation. His interests are entrusted to public servants of his own choosing. Upon him fall the responsibilities and the blessings of free government. At the fireside we hear the story of Washington and of Lincoln; in school we study the history of the states and of the nation; we learn the nature of the state, its organization and its administration. We leave school and enter upon the active duties



MAIN BUILDING OF THE STATE UNIVERSITY AT LAWRENCE.

of life. Then our influence is for or against good government: we hinder or we promote the general welfare. Many years ago a child of five years became king of France. Until he was old enough to take upon himself the cares of his kingdom his guardians ruled in his name. On the day when he became of age his minister inquired of him, "Sire, to whom shall I now report?" "To me," replied the king, "I am the state." And in this country, when a youth enters upon his manhood years, he may well say, "I am the state. Its interests, its honor, its history, are mine also." Popular government on a vast scale is for the first time on trial in this country. It is upon the individual citizens that its destiny depends. The work of good government is our work. "With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in." Then may we confidently expect the blessings of Providence to rest upon the State of Kansas.





THE GREAT SEAL OF THE STATE OF KANSAS.<sup>1</sup>

## CHAPTER II.

### THE STATE GOVERNMENT.

**32. Citizens and Electors.**—The Constitution of the United States determines who shall be citizens of the United States and of the states. The Fourteenth Amendment provides that "all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside." Therefore all men, women and children, born or naturalized in the United States and subject to its jurisdic-

<sup>1</sup> The Great Seal was adopted by the first State legislature. The question of a design was referred to a joint committee of the two houses and to this committee John J. Ingalls, at that time secretary of the senate, submitted a sketch representing a single star rising from the clouds to join a constellation, with the motto, "*Ad astra per aspera*" (To the stars through difficulties). The clouds represented the territorial troubles, the single star represented Kansas, and the constellation, consisting of as many stars as there were then states, represented the Union. The committee adopted the motto, but altered the design so much that the original meaning of the motto was obscured.



tion, who reside in Kansas, are citizens both of the United States and of the State of Kansas. The Constitution of the State determines who shall have the right to vote. This privilege is not given to all citizens and it is given to some who are not citizens, but who have formally declared their intention to become citizens.<sup>1</sup> Those persons who are entitled to vote are termed electors. The legislature has conferred the right to vote in school and city elections upon women possessing the qualifications required of men. The right to vote in State elections cannot be extended without an amendment of the State Constitution.

**33. The State Constitution** consists of two parts, the Bill of Rights and what may be called the Frame of Government. The Bill of Rights secures to all citizens their fundamental civil and political rights, such as religious liberty, freedom of speech and of the press and the right to trial by jury. The Bill of Rights is derived mainly from the English Bill of Rights, enacted by Parliament in 1689; from the Declaration of Independence; and from the Constitution of the United States. The remainder of the Constitution establishes the government of the State. The Constitution provides a method for its own amendment.<sup>2</sup>

**34. The State Government** is vested in three departments—the executive, the legislative and the judicial. It is the duty of the Legislature to make, of the Judiciary to interpret, and of the Executive to enforce the laws.

**35. The Executive Department** consists of seven officers: a governor, lieutenant-governor, secretary of state, auditor, treasurer, attorney-general, and superintendent of public instruction.<sup>3</sup> All of these officers are elected by popular vote at the general State election held

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<sup>1</sup> See *Art. V.* References to the State Constitution are frequently inserted in order to encourage the study of the document itself and to call attention to information not embodied in the text.

<sup>2</sup> See *Art. XIV.*

<sup>3</sup> See *Art. I. Sec. 1.*

on the Tuesday succeeding the first Monday in November in the even years (1896, 1898, etc.), and they hold their offices for the term of two years, beginning on the second Monday of January next after their election. The compensation of these officers is fixed by law and cannot be increased or diminished during the term for which they are elected.<sup>1</sup>

**36. The Governor.**—The supreme executive power of the State is vested in the governor. It is his chief duty to see that the laws are faithfully executed.<sup>2</sup> At the opening of every session of the legislature, he must communicate in writing such information as he may possess in reference to the condition of the State and recommend such measures as he may deem expedient. He may call an extra session of the legislature on extraordinary occasions and may adjourn the legislature in case of disagreement between the two houses in respect to the time of adjournment.<sup>3</sup> In the exercise of the veto power, the governor participates in the legislative power. Every bill and joint resolution passed by the legislature must be presented to him for his signature. If he approves it, he signs it, but if not, he returns it to the legislature, with a statement of his objections. This action defeats the bill, unless two-thirds in each house vote to pass it over the veto.<sup>4</sup> The governor has the power to appoint, subject to confirmation by the senate, a number of important officers, and he may fill vacancies in all offices, until such time as they may be regularly filled in the manner prescribed by law.<sup>5</sup> The pardoning power is vested in the governor.<sup>6</sup> In the exercise of this power, he may grant pardons and reprieves and commute sentences imposed by the courts. But the governor exercises the pardoning power only upon recommendation of a board of pardons, consisting of three

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<sup>1</sup> See Appendix for list of salaries of principal State officers.

<sup>2</sup> See *Art. I. Sec. 3.*    <sup>3</sup> See *Art. I. Sects. 5, 6.*    <sup>4</sup> See *Art. II. Sec. 14*

<sup>5</sup> See *Art. I. Sec. 14;* and *Art. VII. Sects. 1, 2.*    <sup>6</sup> See *Art. I. Sec. 7.*

persons, whom he appoints with the consent of the senate, and whose duty it is to inquire into the advisability of all pardons and to report their conclusions to him. The governor is commander-in-chief of the militia, and in case of necessity may call it out to execute the laws, suppress insurrection or repel invasion.<sup>1</sup> He is also keeper of the great seal, and all commissions must be signed by him and stamped with the seal.<sup>2</sup>

**37. The Lieutenant-Governor** is president of the senate, but has a vote only when the senate is equally divided. In case of the death, resignation, removal from office or other disability of the governor, the lieutenant-governor acts as governor and in case of his death, resignation, removal or disability, the president *pro tempore* of the senate succeeds to the office.<sup>3</sup> He receives for his services six dollars a day during the sessions of the legislature and \$700 a year as member of the State Board of Railroad Assessors, making a total of \$1,000 for the years that the legislature is in session, and \$700 for other years. While acting as governor he receives the same salary as that officer.

**38. The Secretary of State** has charge of all books, records and official papers belonging to the State; of all enrolled bills and resolutions passed by the legislature; of election returns, made to his office; of the charters of private corporations, and of other documents which the law requires to be filed with him. It is his duty to countersign and keep a registry of all commissions issued by the governor. He prepares the laws of each session of the legislature for publication and, after publication, has charge of their distribution.

**39. The State Auditor** keeps all the accounts of the State. It is his duty to audit the bills of all officers and

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<sup>1</sup> See *Art. VIII. Sec. 4.*

<sup>2</sup> See *Art. I. Sects. 8, 9.*

<sup>3</sup> See *Art. I. Sects. 11, 13.*

other persons entitled to receive money from the State treasury. Having satisfied himself that they are correct and authorized by the appropriations made by the legislature, he issues a warrant upon the State treasurer for their payment. He must keep an account of all receipts and expenditures on the part of the State and report the same biennially to the governor. For the guidance of the legislature in making appropriations, he must make estimates of necessary expenses for the two years succeeding each session. As secretary of the State Board of Railroad Assessors, the auditor must report to each county clerk the assessment of railroad property in his county as made by the board. As member of the State Board of Equalization, the auditor must prepare for the use of the board a statement of the assessed valuation of property in each county, and report to each county clerk any changes made by the board in the assessment and the amount of the taxes for State purposes to be raised in his county.

**40.** The State Treasurer receives all money belonging to the State and pays all expenses of the State government and State institutions upon presentation of warrants drawn by the proper officers. He must keep accurate accounts of all receipts and expenditures and make a detailed report of them to the governor every two years. To ensure the faithful performance of his duties he must file a bond for the sum of one million dollars before taking the office.<sup>1</sup> The law requires that the governor, secretary of state and auditor, acting as an examining board, make a careful examination of the accounts of the office and count all money in the treasury at least once a month.

**41.** The Attorney-General is the law officer of the State. It is his duty to defend the State in all suits that may be brought against it and also to prosecute in court claims made by the State against any person, corporation,

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<sup>1</sup> Bonds in varying amounts are required of nearly all State officers.

other state, or the government of the United States. He is also required to give official opinions upon legal questions that may be submitted to him by the governor, either branch of the legislature, the heads of the State departments and the county attorneys throughout the State.

**42. The Superintendent of Public Instruction** has the general supervision of the educational interests of the State. It is his duty to distribute the income of the State school fund among the several counties. He must furnish opinions to county superintendents upon any questions arising out of the interpretation of school laws, must visit the schools of each county at least once in two years and biennially must make a full report to the governor upon the condition of education in the State.

**43. State Boards.**—A number of State boards have been created from time to time for the performance of particular duties. They consist either of certain of the officers already mentioned or of persons chosen for the particular service, usually by the governor, subject to confirmation by the senate.

**1. The Executive Council** (governor, secretary of state, auditor, treasurer, attorney-general and superintendent of public instruction) have charge of the State House, approve bonds required of State officers, designate the official State paper, award the contract for supplying the State with stationery and perform such other duties as are from time to time assigned to it.

**2. The School Fund Commissioners** (superintendent of public instruction, secretary of state and attorney-general) have charge of the investment of money belonging to the permanent school fund.<sup>1</sup>

**3. The State Board of Equalization** (secretary of state, auditor and treasurer) equalize the assessment of property made in the several counties of the State by adding to or subtracting from the assessment in each county such a percentage as may be necessary to secure a uniform rate of assessment throughout the State.

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<sup>1</sup> See *Art. VI. Sec. 3.*



4. **The State Board of Canvassers** (governor, secretary of state, auditor, treasurer and attorney-general) canvass the vote for the election of State officers.

5. **The Sinking Fund Commissioners** (governor, secretary of state and auditor) have charge of the investment of any funds accumulated for the payment of the State debt.

6. **The State Board of Railroad Assessors** (lieutenant-governor, secretary of state, treasurer, auditor and attorney-general) make the assessment of all railroad property in the State.

7. **The State Board of Railroad Commissioners** was abolished in 1898 and a **Board of Visitation** substituted, but the latter has been declared unconstitutional, so that at present there is no State supervision of railroads.

8. **The State Board of Charities** (five members, appointed by the governor for terms of three years) have the management of all the State charitable and reformatory institutions except the penitentiary. These include the insane asylums at Topeka and Osawatimie, the institution for the education of the deaf and dumb at Olathe, the institution for the education of the blind at Kansas City, the asylum for idiotic and imbecile youth at Winfield, the soldiers' orphans' home at Atchison, the reform school at Topeka and the industrial school for girls at Beloit.

9. **The State Penitentiary** at Lansing, and the **Industrial Reformatory** at Hutchinson, are governed by boards of directors, each board consisting of three members, appointed by the Governor.

10. **The State Board of Public Works** (three members, appointed by the governor for terms of four years) appoint the State architect and have charge of all buildings erected at the expense of the State.

11. **The State Board of Pardons** (three members, appointed by the governor for an indefinite term) receive applications for pardon, investigate them and report to the governor.

12. **The State Board of Agriculture** consists of the officers and executive committee of the State Agricultural Society, with the governor and secretary of state as *ex-officio* members. It is the duty of the board to compile statistics of agriculture, population, valuation, indebtedness and the like, and to publish the same in their biennial reports to the legislature.

13. **Three Boards of Regents** (each consisting of six mem-

bers, appointed by the Governor) have charge respectively of the three State educational institutions: the University at Lawrence, the Agricultural College at Manhattan, and the Normal School at Emporia. The board of regents for the University have an additional member in the Chancellor, who is elected by the board, acts as its president and has the same powers as the other regents.

**14. The State Board of Education** (superintendent of public instruction, chancellor of the State university, the presidents of the agricultural college and normal school, and three members, appointed by the governor for terms of two years) have charge of the granting to teachers of State diplomas and certificates, and prepare questions used by the county boards in examinations for county certificates.

**15. Other State Boards** are the Live-Stock Sanitary Commission and the Boards of Health, Dentistry and Pharmacy.

**16. The State Agricultural Society**, the State Horticultural Society, the Academy of Science and the State Historical Society are voluntary organizations, semi-official in character, because they are recognized and a part of their expenses paid by the State.

**44. Administrative Officers.**—In addition to the officers already mentioned, other officers have been provided to assist in the administration of the government. They are generally appointed by the governor, subject to confirmation by the senate. They include the adjutant-general, State bank commissioner, State superintendent of insurance, State printer, State agent, commissioner of labor statistics, commissioner of forestry, fish and silk commissioners, and State grain, mine, oil and sugar inspectors. The duties of these officers are indicated by their titles.

**1. The Adjutant-General** issues the Governor's orders to the National Guard and has the custody of the State military records.<sup>1</sup>

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<sup>1</sup> **Militia and National Guard.**—The militia is composed of all the able-bodied male citizens between the ages of twenty-one and forty-five years, except such as are exempt by law (*Art. VIII*). That part of the militia which is enlisted for active service is known as the National Guard. As at present organized, the National Guard consists of three regiments of infantry. Enlistments are for a term of five years and are voluntary. When called into active service, officers and men are paid according to the schedule of the United States army. The governor is

2. The State Printer is elected by the legislature in joint session for a term of two years.<sup>1</sup> The prices paid him for printing are fixed by law.

3. The State Agent prosecutes in the proper departments of the government, or in the courts of the United States having jurisdiction, claims of the State against the United States. He receives as compensation a commission on the amount collected, usually ten per cent.

4. The State Librarian has charge of the library kept in the State House for the use of the State officers. He is appointed by the governor, upon nomination by the justices of the supreme court, who are the trustees of the library.

45. The Legislative Power is vested in a senate and a house of representatives, which together constitute the State legislature. The legislature meets at the State capital on the second Tuesday in January of every odd year (1897, 1899, etc.). Members must be qualified voters in the district for which they are chosen.<sup>2</sup> They receive as compensation for their services the sum of three dollars a day for each day of actual service, but not for more than fifty days of the regular session or thirty days for any special session.<sup>3</sup> They are entitled to certain privileges, which are intended to protect them in the discharge of their duties.<sup>4</sup>

The legislature makes all the laws of the State, but the laws it makes must not conflict with the Federal Constitution or with that of the State, or they will be declared unconstitutional by the courts, and therefore null and void. These laws provide for the government of counties, cities, townships and school districts; for the establishment of

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commander-in-chief and appoints, with consent of the senate, one major and three brigadier-generals. The major-general, brigadier-generals and adjutant-general constitute a *military board*, with power to advise the governor respecting the military interests of the State.

<sup>1</sup> See Art. XII. Sec. 4.

<sup>2</sup> See Art. II. Sects. 4-6.

<sup>3</sup> See Art. II. Sec. 3.

<sup>4</sup> See Art. II. Sec. 22.

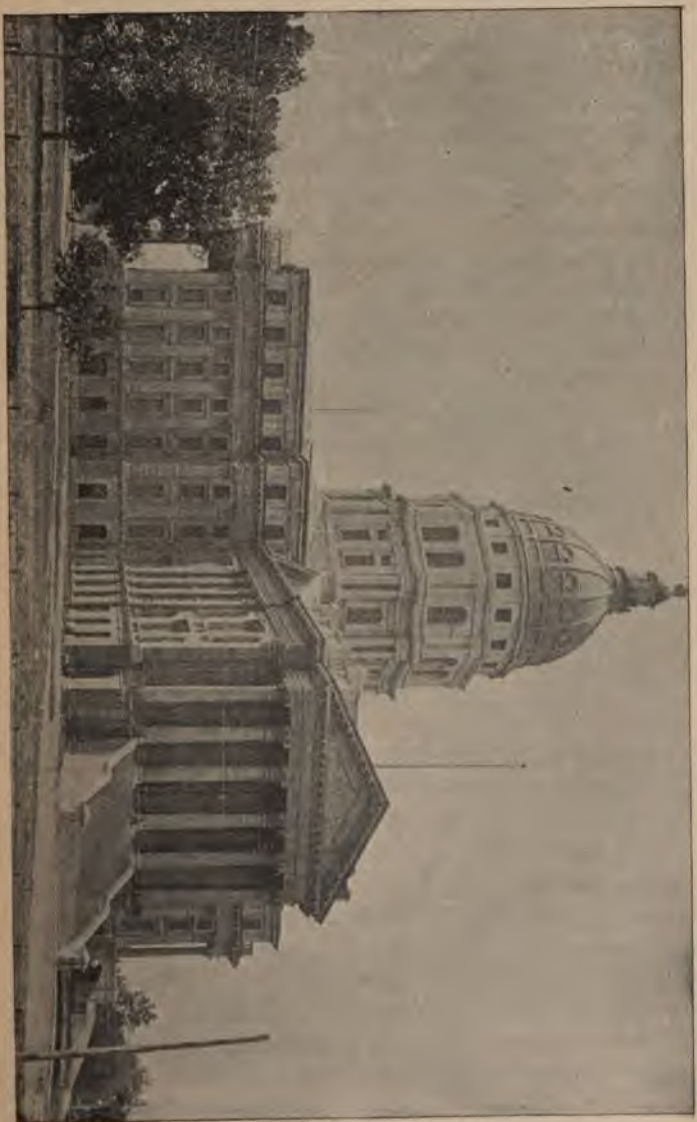
courts and the regulation of their procedure; for the division of the State into congressional, judicial, representative and senatorial districts; for the organization and government of corporations, such as insurance, railway, telegraph, telephone and manufacturing companies; for the dealings of citizens with each other, such as the making of contracts and partnerships, the buying and selling of land, houses, goods and property of all kinds, the making of mortgages, deeds, promissory notes, checks, and the like, and for all other matters in which the citizens of the State may have an interest. Wherever possible these laws must be general in their nature and have a uniform operation throughout the State.

It is also the duty of the legislature to levy taxes and make appropriations for all State expenses and no money can be drawn from the treasury except in pursuance of a specific appropriation made by law. The legislature elects two persons who represent the State in the Senate of the United States.<sup>1</sup>

**46. The Senate** consists of forty senators, one for each of the senatorial districts into which the State is divided. The senator from each district is chosen for a term of four years by the electors of that district. The lieutenant-governor of the State is president of the senate. He presides over the sessions of the senate, appoints the committees,

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<sup>1</sup> Congress has by federal law prescribed the manner of electing United States senators. The legislature next preceding the expiration of the term for which any senator is chosen, shall upon the second Tuesday after its meeting and organization proceed to the election of his successor. On the first day a *viva voce* vote is taken in each house. At noon on the second day a joint session is held, and if the same person has received a majority of the votes cast in each house, he is declared elected. If not, the legislature proceeds to an election in joint session and the person who receives a majority of the votes of the joint assembly, a majority of the members of both houses being present and voting, is elected. At least one vote must be taken each day until an election is effected.



THE CAPITOL BUILDING AT TOPEKA.



but has a vote only when the senate is equally divided. The senate chooses from its own number a president *pro tempore* to preside in the absence of the lieutenant-governor. The senate has power to confirm appointments made by the governor and to try impeachments. A two-thirds vote is necessary for conviction upon trial for impeachment.<sup>1</sup>

**47. The House of Representatives** consists of one hundred and twenty-five members chosen to serve for two years by the electors in the several representative districts into which the State is divided. The house elects from its own members a speaker, who presides over its sessions, appoints the committees and has a vote upon all questions. The house has the sole power to initiate and prosecute impeachments.

**48. How the Laws are Made.**—The manner of making laws in the legislature is practically the same as in the Congress of the United States. A law may originate in the form of a bill in either house. The bill is referred to a committee, and, when reported from the committee, is printed for the use of members. Every bill must be read on three separate days in each house unless two-thirds of the house agree to suspend the rule; a majority of all the members of each house is necessary to its passage, and upon the final passage in each house, the yeas and nays must be taken and entered upon the journal.

If agreed to by a majority of all the members in both houses, the bill is sent to the governor. If he approves it, he signs it and the bill becomes a law. If he does not approve it, he vetoes it—that is, he returns it to the house of representatives with a statement of his objections. If two-thirds of the members of the house vote to pass the bill over the veto, it is sent to the senate, and if the same action is taken there, it becomes a law without the ap-

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<sup>1</sup>See *Art. II. Sects. 27, 28,*

proval of the governor. If any bill is not returned within three days, Sundays excepted, after it has been presented to the governor, it becomes a law in like manner as if he had signed it.<sup>1</sup>

**49. The Judicial Power** of the State is vested in the supreme court, district courts, probate courts, justices' courts and such other courts as the legislature may establish.<sup>2</sup>

**50. The Supreme Court** consists of three judges: a chief-justice and two associates. They are chosen by the electors of the whole State for terms of six years, one justice being chosen every two years. The jurisdiction of the supreme court extends over the entire State and is of two kinds, original and appellate. Original jurisdiction is that which the court exercises over cases which may be tried by it, without having first been tried in a lower court. The original jurisdiction is limited by the Constitution to proceedings in *quo warranto*, *mandamus* and *habeas corpus*.<sup>3</sup> All other cases must come to the supreme court on appeal from the appellate or district courts. The regular terms of the supreme court are held at the State capital in January and July of each year; but the judges meet monthly to transact such business as may come before them.

**51. Appellate Courts.**—In 1895 the legislature divided the State into two departments, one consisting of the northern and the other of the southern counties, and

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<sup>1</sup> See Art. II. Sec. 14.

<sup>2</sup> See Art. III. Sec. 1.

<sup>3</sup> Proceedings in *quo warranto* are begun against persons or corporations in order to determine by what warrant or authority a given office is held or given privileges are enjoyed and to oust the person or corporation in case legal right to the office or privileges is not proven. *Mandamus* is a writ by which the court may require a person, corporation or lower court to do a particular thing which by law they are under obligation to do. *Habeas corpus* is a writ by means of which any person imprisoned may test the legality of his imprisonment and regain his liberty in case his detention proves unwarranted in law.

created a court of appeals for each. The departments are each divided into three divisions, the Eastern, Middle and Western, and terms of court are held successively in each division. Each court consists of three judges: a presiding judge and two associates. The first judges were appointed by the governor and confirmed by the senate. Their successors will be elected in 1897, one in each division, for a term of four years. At the end of their terms in 1901 the courts will expire. Each court has, within its respective divisions, the same original jurisdiction as the supreme court, and exclusive jurisdiction, with certain exceptions, upon appeals from the district courts, in cases of misdemeanor and in civil actions in which the amount in controversy does not exceed two thousand dollars.

**52. District Courts.**—The State is divided into thirty judicial districts and in each district the people elect a district judge who holds office for a term of four years. The law provides for the election, by members of the bar present, of a judge *pro tem.*, in case the district judge is absent, or unable to serve or personally interested in the case to be tried. The district court has general jurisdiction over civil and criminal cases that arise within the district.<sup>1</sup> Appeals are taken to the appellate and supreme courts. Cases which the law provides shall originate in probate and justices' courts are carried on appeal to the district court. There are usually several counties in each district and terms are held in them successively.

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<sup>1</sup> The work of the district courts in Shawnee and Wyandotte Counties was so much in arrears that the legislature in 1891 created an additional court in each county, the one called the Circuit Court of Shawnee County and the other the Court of Common Pleas of Wyandotte County. The jurisdiction of these courts is nearly the same as that of the district courts. The judges are chosen by the electors of their respective counties for terms of four years and receive the same compensation as district judges.

In each there is a clerk of the district court for that county.<sup>1</sup>

**53. Lower Courts.**—The courts below the district courts are the probate, justices' and police courts. They are described under the head of county, township and city officers respectively.

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<sup>1</sup> See *Par.* 64.

## CHAPTER III.

### LOCAL GOVERNMENT AND TAXATION.

**54. Local Government** is that part of the State government by which local affairs are administered, such as the preservation of the peace, the administration of justice in minor cases, the construction of roads and bridges, the maintenance of common and high schools, the care of the poor and similar interests. For local purposes the State is divided into counties, townships and school districts and certain parts are organized as cities. These various subdivisions constitute political corporations and they derive their powers from the Constitution and from laws passed by the State legislature.

### THE COUNTY.

**55. The County.**—The State of Kansas is divided into one hundred and five counties.<sup>1</sup> The county is created by

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<sup>1</sup>This division of the State into counties, and our system of county government, had their origin in similar features that existed in England before the Norman conquest. At that time England was divided into shires, a shire being a share or part of the country. When the Normans conquered England they changed the name shire to county. When the colonists came to this country they established here the institutions with which they were familiar at home, making such modifications as were necessary to meet new conditions. In New England the town system and in the south the county system of local government was established. The Middle States evolved a compromise system, which divided the powers of government about equally between town and county, and from this union of the two systems the system adopted in Kansas was derived.



and derives all its powers from the legislature and that body may create new counties and alter the boundaries of old ones as it sees fit, but no new county shall be organized nor the lines of any county changed so as to include an area of less than four hundred and thirty-two square miles.<sup>1</sup> Each county is a corporation empowered to sue and be sued, to purchase, hold and convey real or personal property, to make contracts and to exercise such other powers as may be especially conferred by the State legislature.

**56. County Officers** are the county commissioners, county clerk, treasurer, sheriff, register of deeds, attorney, superintendent of public instruction, clerk of the district court, probate judge, surveyor and coroner.<sup>2</sup> All of the county officers are elected for terms of two years, except the county commissioners, whose term of office is three years.<sup>3</sup> The clerk, treasurer, sheriff, register of deeds, surveyor and coroner are elected in the "odd" years, and the probate judge, clerk of the district court, county superintendent of public instruction and county attorney in the "even" years. The officers are required to keep offices at the county seat, a town usually selected by popular vote when the county is organized, either on account of its importance or central location. The compensation of county officers is derived principally from fees. The fees that may be charged are fixed by the legislature. The amount received therefore varies in the several counties, with the amount of business done. In the more populous counties, fixed salaries are usually provided for certain of the officers.

**57. The Board of County Commissioners** consists

<sup>1</sup> See *Art. IX. Sec. 1.*

<sup>2</sup> A **County Auditor**, appointed by the district court, is provided for in counties of over forty-five thousand inhabitants. It is his duty to examine and pass upon all claims against the county.

<sup>3</sup> See *Art. IX. Sec. 3.*

of three members, one for each of the three county commissioner districts into which the county is divided. The term of office is three years, and one commissioner is elected each year. The county board have charge of all buildings belonging to the county, examine and settle all accounts against the county, levy and apportion among the townships the county tax, organize and determine the boundaries of townships, have supervision of county roads, canvass the vote in county elections, and in general have the management of all county business, for which no other provision is made by law. The board cannot erect county buildings or levy a tax or borrow money for that purpose without submitting the question to popular vote, and securing popular approval. Meetings of the county board are held quarterly in January, April, July and October. The commissioners usually receive compensation at the rate of three dollars a day, while attending the meetings of the board. The number of days for which they can draw pay is proportioned to the population of the county. In counties of over twenty-five thousand inhabitants they receive a fixed salary of three hundred dollars.

**58. The County Clerk** attends the sessions and keeps a record of the proceedings of the county board, signs and issues all orders for the payment of money approved by the board, keeps an account of receipts and expenditures of the county and all accounts of the county with other officers and prepares the official ballots for general elections.

**59. The County Treasurer** collects the taxes and receives all other money paid to the county, pays all county orders or warrants approved by the board and issued by the county clerk, transmits to the State treasurer the State tax collected in the county, and keeps an accurate account of the financial condition of the county. He is under bonds for the faithful performance of his duties and the safe keeping of the county's money. He is not eligible

to election for more than two successive terms. In counties of over twenty-five thousand inhabitants, his salary is fixed at four thousand dollars a year.

**60. The Sheriff** is the executive officer of the county. He appoints as many deputies as may be necessary to assist him in the discharge of his duties. He attends the sessions of the district court and executes the writs and orders of the court. He attends the drawing of jurors and summons them when drawn. He gives official notice of all county elections. He has custody of the county jail and is responsible for the safe keeping of the prisoners. It is his duty to preserve the peace, and for this purpose, in case of riot, may call to his aid as many persons as may be necessary. The persons summoned constitute a *posse comitatus* (literally, power of the county), or, more briefly, a *posse*. If the *posse* is not able to quell the disturbance, the sheriff may call upon the militia for assistance. The sheriff is paid by fees. He is not eligible to election for more than two consecutive terms.

**61. The Register of Deeds** has charge of the books in which deeds and mortgages are required by law to be recorded. These books must be fully indexed, so as to be easy of reference. The register also keeps a book of maps, in which all parcels of land in cities and townships within the county are platted. He receives fees, the amount of which is fixed by law.

**62. The County Attorney** is the law officer of the county. It is his duty to defend the county in suits brought against it and to prosecute suits brought in its interest. He shall, at the request of any magistrate having jurisdiction, prosecute all complaints made in behalf of the State for violation of State laws. It is his duty to give legal opinions to any of the county officers, upon any questions of law upon which they ask for advice.

**63. The County Superintendent of Public Instruction** has the general supervision of all schools in the

county. It is his duty to establish and change the boundaries of school districts, when the interests of the people require it, to apportion State and county school funds among the districts, examine and correct the books required to be kept by the officers of the school districts, hold a public meeting at least once a year in each district for the purpose of discussing school questions and elevating the standard of education, visit each school in the county at least once in six months, keep a record of all the teachers, encourage the formation of associations for their improvement, superintend the meeting of county normal institutes, and make quarterly reports of the work of his office and the condition of education in the county to the State superintendent of public instruction. The salary of the county superintendent is proportioned to the number of persons of school age in the county.

The county superintendent is chairman, *ex-officio*, of the COUNTY BOARD OF EXAMINERS, consisting, besides himself, of two competent persons, appointed, upon his nomination, by the county commissioners. It is the duty of the board to examine persons proposing to teach in the common schools of the county and to issue certificates to such as are properly qualified. The examination questions are uniform throughout the State and are furnished by the State board of education.

An act passed in 1886 provides that a COUNTY HIGH SCHOOL may be established by a vote of the people in each county having a population of 6000 inhabitants or over. The county superintendent and a BOARD OF HIGH SCHOOL TRUSTEES, consisting of six members, two of them chosen annually by the county at large for terms of three years, are given control of such schools. High schools have been established in Dickinson, Atchison, Labette, Sumner, Thomas, Montgomery and Crawford counties.

64. The Clerk of the District Court keeps the records of the terms of the district court in each county,



empanels the juries, subpoenas the witnesses, administers oaths in open court, and records or files all papers which the law requires to be filed in his office. He must keep a record of the notaries public commissioned in the county.<sup>1</sup>

**65. The Probate Judge** constitutes the probate court of each county. He is empowered to prove and admit to record the last wills and testaments of deceased persons, to direct and control the acts of the executors or administrators of their estates, to appoint guardians for minors, persons of unsound mind and habitual drunkards and make all necessary orders relating to their estates, to issue marriage licenses, bind apprentices and hear and determine cases of *habeas corpus*.

**66. The County Surveyor** must procure and keep on file in his office plats of the original surveys, made by the United States,<sup>2</sup> of lands in the county; re-establish missing corners of sections; subdivide sections when necessary; survey any section road, which it is proposed to construct in answer to the petition of householders residing in the vicinity; establish permanently, at the request of the owners, the lines between adjacent tracts of land; survey mines, in case owners of adjacent property make affidavit that the mine owners are excavating beyond the limits of their own property and keep a record of the variations of the magnetic needle.

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<sup>1</sup>**Notaries Public.**—The governor appoints, for terms of four years, as many notaries public as are needed in each county. They have authority to administer oaths, take depositions, acknowledge deeds and other documents, demand payment of bills of exchange and promissory notes, and to "protest" them in case of non-payment. A protest is an official certificate that demand for payment has been made and refused.

<sup>2</sup>See Chap. XIII. of Thorpe's "Course in Civil Government" for an account of the method adopted by the United States for the survey of the public domain. All of Kansas was public domain, and was surveyed by the United States.



**67. The Coroner.**<sup>1</sup>—It is the duty of the coroner to examine into the cause of the death of any person supposed to have died by unlawful means or the cause of whose death is unknown. He summons to his assistance in each case six citizens of the county. The examination is called a "coroner's inquest" and the six men constitute a "coroner's jury." If the jury have reason to think that a crime has been committed, the coroner issues a warrant for the arrest of the person charged with the crime, who is committed to jail to await trial in the courts. In case of vacancy in the office of sheriff, the coroner acts as sheriff.

**68. Grand and Petit Juries, Trial by Jury.**—As juries are drawn by county officers and from the body of the county, they may properly be treated under county government. In counties of less than thirty thousand inhabitants, the trustee in each township and the mayor in cities, during the month of April of each year, make out from the assessment rolls of the preceding year, a list of suitable persons, having the qualifications of electors, to serve as jurors for the ensuing year. In counties of over thirty thousand, this work is done by three JURY COMMISSIONERS, appointed for a term of two years by the governor. The lists are sent to the county clerk who writes the names upon separate slips and deposits them in a box. Before any term of court, at which a grand jury shall be ordered, or a petit jury required by law, the clerk in the presence of the sheriff and at least one justice of the peace draws from the box the names of as many persons as are needed to serve as jurors.

A GRAND JURY is called only in criminal cases. It is the duty of a grand jury to attend the sessions of the court, and to examine the evidence which the county at-

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<sup>1</sup> The word coroner is derived from crowner. In early England the officer was called crowner, because appointed by the Crown.

torney presents against persons charged with crime. In Kansas a grand jury consists of fifteen members.<sup>1</sup> If twelve of them agree that the evidence is sufficient to justify a trial, the foreman writes upon the complaint "A true bill." This constitutes an indictment and the accused is held for trial. But if twelve of them do not agree that the evidence is sufficient to justify a trial, the foreman writes "Not a true bill," and the accused is discharged. Grand juries are not required by the State Constitution and are summoned by the court only upon petition of one hundred taxpayers of the county. There is a tendency to dispense with them altogether and to leave the prosecution of crime entirely to the county attorney.

A PETIT JURY consists of twelve members.<sup>2</sup> It is its duty to hear the evidence in court and decide the case upon the evidence presented. The number of jurors drawn for each term of court is called a panel, and is determined in advance by the district judge. It may be any number between twelve and thirty-six, and is usually about thirty. The panel is drawn from the body of the county by the county clerk in the presence of the sheriff and two justices of the peace, or any two of them. A special jury is drawn from the panel by the clerk of the court for the trial of each case. The counsel on each side may challenge for cause any person called; that is, may object to his serving on the jury because not properly qualified, or because personally interested or prejudiced, or because he has expressed an opinion in the case, and the validity of the challenge is determined by the judge. Each party has in addition a certain number of peremptory challenges; that is, challenges without giving cause, the number of such challenges varying with the nature of the case. If the panel is not large enough to fill the jury, the

<sup>1</sup> The number varies in different states. It may be any number from twelve to twenty-three.

<sup>2</sup> For Justices' Jury see *Par. 75*.

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judge either directs the sheriff to summon additional jurors, called talesmen, from among the bystanders, or, upon the request of either party, issues a special venire for an additional panel to be drawn in the same manner as the regular one. After the jury has been filled the case proceeds to trial, the evidence and arguments on both sides are heard, the judge instructs the jury as to the law, and the jury render their decision or verdict, as it is called, if they are able to agree. The verdict must be unanimous.<sup>1</sup> If the jury cannot agree upon a verdict, they are discharged and a new trial ordered.

The Constitution of the State provides "that the right of trial by jury shall be inviolate." In all criminal cases trial must be by jury. This does not apply to prosecutions in police courts for violation of city ordinances. Civil actions for the recovery of money or specific real or personal property are tried by jury, unless the right is waived by both parties. Other civil actions are tried by the judge, but issues of fact may be referred to a jury. This division of civil cases corresponds to the old distinction between cases in law and cases in equity. A criminal case is one prosecuted by the State against a person charged with a public offense. All other cases are civil. Public offenses are either felonies or misdemeanors. Felonies are offenses punishable by death or imprisonment in the penitentiary. All other public offenses are misdemeanors. In criminal cases the State is the plaintiff, or the one that complains, and the person accused is the defendant. The verdict is either "Guilty" or "Not Guilty." In civil cases the plaintiff and defendant are either individuals or corporations. The verdict is "For the plaintiff" or "For the defendant," with the amount of damages to be assessed, if either is entitled to damages. The manner of conducting both civil and criminal trials is determined by a code, which is to be found in the "*General Statutes*" under the head of procedure.



### THE TOWNSHIP.

**69. The Township.**—Each county is divided into townships, each of which has an organized government, subordinate to the government of the county in which it is located and subordinate to the government of the State. The civil township usually but not necessarily coincides with the congressional township surveyed by the United States. It is therefore, as a rule, six miles square and contains thirty-six sections, each having an area of one square mile. The township officers are the trustee, clerk, treasurer, road overseers, justices of the peace and constables. They are elected at the general State election, held in November, justices of the peace for terms of two years and the remaining officers annually.

**70. The Trustee** is the executive officer of the township. He levies the township tax, divides the township into road districts, has care of the township property, is overseer of the poor and annually reports the condition of the township to the county commissioners. He is also township assessor and each year in March lists all property subject to taxation and reports the same to the county clerk. For his services as assessor he receives three dollars a day from the county while engaged in that work.

**71. The Township Clerk** has charge of the records, books and papers belonging to the township.

**72. The Township Treasurer** performs the duties usually pertaining to this office. He receives all money paid to the township, pays orders drawn upon him by the township trustee and keeps an accurate account of receipts and expenditures.

**73. Township Boards.**—The township trustee, clerk and treasurer constitute a town auditing board and a board of highway commissioners. The auditing board meet quarterly and examine and audit all bills against the township. The board of highway commissioners also

meet quarterly. They have charge of the roads and bridges in the township, keep them in repair, and improve them, whenever the means at their disposal will permit, and employ a general superintendent, if necessary. They draw two dollars a day for their services upon each board, which, except the amount paid the trustee as assessor, is the only compensation they receive.

**74. Road Overseers.**—The trustee divides the township into as many road districts as may be necessary and one road overseer is elected in each. It is the duty of the overseer in each district to open new roads that may be established through his district and to superintend the work on those already established. All male persons between twenty-one and forty-five years of age must work two days each year on the roads, furnish a substitute, or pay the overseer one dollar and fifty cents for each day. The overseer gives notice of the time and place that he will attend to direct the work, directs what implements shall be brought and receipts for the work when done. The county commissioners may also levy a road tax on property in the county and this may be worked out under the direction of the overseer at the rate of \$1.50 per day, with the same allowance for team and wagon or team and plow.

**75. Justices of the Peace.**—Two justices of the peace are elected in each township for terms of two years. As many more may be chosen as a majority of the voters may think necessary. The justices' court is the foundation of the judicial system of the State. The justice hears and determines all minor cases. His criminal jurisdiction extends to all cases of misdemeanor in which the fine cannot exceed \$500 or the imprisonment one year, and his civil jurisdiction extends to actions for the recovery of money, in which the amount in controversy does not exceed \$300, and to actions for trespass in which the damages claimed do not exceed \$100. This jurisdiction is coextensive with

the entire county, but trial cannot be held outside the limits of the township for which the justice is elected. An appeal to the district court may be taken in all criminal cases and in all civil cases, except jury trials, in which the sum claimed does not exceed \$20. A justice's jury in civil cases consists of six members, and in criminal cases may consist of the same number, with the consent of the defendant, otherwise of twelve. If a jury be demanded, the justice makes a list of inhabitants of the county, qualified to serve as jurors, eighteen in civil and twenty-four in criminal cases, and each party strikes out names alternately, until the required number remain.

The first step in the prosecution of criminal cases is usually taken in the justices' court. Upon complaint by any competent person, the justice issues a warrant for the arrest of any person accused of crime. If the offense is a minor one, the case is tried by the justice. If the offense charged is beyond his jurisdiction and it appears, upon examination, that there is probable cause to believe the prisoner guilty, he is bound over for trial at the next term of the district court. If the offense is not punishable with death, the accused is admitted to bail. If the offense is not bailable, or the accused is unable to furnish satisfactory surety, he is committed to jail until the time of trial. In addition to his other powers, the justice may administer oaths, take depositions, and also acknowledgments of deeds, mortgages and other documents, and perform marriages.

**76. Constables.**—There are as many constables as there are justices of the peace. They are executive officers of the justices' court. They serve warrants and other processes issued by the justice, and execute his judgments. Their authority, like that of the justice, extends to the entire county. They have the same right that the sheriff has, to call to their aid the power of the county. If any person is committed to the county jail, the constable



furnishes the sheriff with a copy of the commitment and returns the original to the justice who issued it.

#### THE SCHOOL DISTRICT.

**77. The School District** is the smallest civil division of the State. In many of the eastern states, schools are under the control of township directors. As there must be a number of schools in each township, this plan gives the same directors control over all of them. In Kansas and some other western states, the independent district system prevails. The county is divided by the county superintendent into school districts, independent of each other and of the township. Each district has its own district school which it may manage in its own way. It is designated as school district No. ——— (such a number as the county superintendent may assign), ——— county (the name of the county in which the district is situated), State of Kansas. The number of districts in each county varies with the population. In some counties there are only about twenty, in others nearly two hundred. Districts that are united for the purpose of supporting graded schools are termed union districts. Districts that cross county lines are termed joint districts, and are under the control of the superintendent of the county in which the greater part of the district is located.

**78. The School Meeting.**—The annual school meeting is held in each district, on the last Thursday of July, at the school house belonging to the district. Special meetings may be called when necessary. All persons, both men and women, resident in the district, having the qualifications of electors, may attend and vote at the meeting. It is the duty of the school meeting to elect school district officers, levy the school tax, determine the length of time that school shall be taught and make other needful regulations. The rate of tax levied is returned to the county clerk, placed upon the tax roll of the county and

collected by the county treasurer. In case a school house is to be erected, the school meeting determine its location, purchase or lease a site and provide for the issue of bonds to cover the expense. But bonds may not be issued, except by a vote of a majority of the qualified electors of the district, given at a special meeting called by at least one-third of them. The school meeting, it will be seen, constitutes within certain limits a pure democracy, like the New England town meeting. It is the only instance, in the government of the State, in which the people meet and make laws directly, instead of indirectly through their representatives.<sup>1</sup>

**79. School District Officers.**—The officers of each district, elected at the school meeting, are a director, clerk and treasurer. They are chosen for a term of three years, one of the three being chosen each year. The director presides at school meetings, signs orders drawn by the clerk upon the treasurer, and appears for the district in suits that may be brought against it. It is the duty of the director to enforce the compulsory education law, which requires that every child, between the ages of eight and fourteen years, shall attend school at least twelve weeks in each year. The clerk acts as secretary of the school meeting, keeps a record of the proceedings of the district and preserves all books and papers belonging to it. The treasurer receives all school money from the county treasurer, pays orders drawn by the clerk and signed by the director, and keeps an accurate account of receipts and expenditures. The director, clerk and treasurer together constitute the district board. The

<sup>1</sup> Uniformity of Text-books was formerly left to the decision of a majority of the school districts in each county, but, in 1897, State uniformity was substituted for local option and provision was made for the choice of school books by a State Text-book Board, consisting of the State Superintendent, who is *ex-officio* chairman of the Board, and eight members, the latter appointed by the Governor for terms of four years. Books adopted are not to be changed for five years.

board have care of the school house and library, employ qualified teachers, visit the school, audit all bills against the district, issue bonds voted by school meetings and call special school meetings when necessary. The school officers serve without compensation.

#### THE CITY.

**80. A City** is an aggregation of men living in close social contact within a comparatively small territory. The necessarily intimate relations of individuals within a city give rise to special needs not felt by people scattered over a large area. Innumerable things require attention and legislation which in the country may very well be left to take care of themselves. Provision must be made for improving, cleaning and lighting the streets and building sidewalks. The use of the streets by hacks, omnibuses and railways, and by telegraph, telephone, electric light, gas and water companies, must be regulated. A proper water supply must be secured either by the construction of public works or by the charter of private corporations for the purpose. Protection against fire must be secured by the organization of fire companies and by proper regulations respecting the construction of buildings. Public health must be protected by the construction of sewers and by sanitary regulations respecting removal of garbage, treatment of contagious diseases and burial of the dead. For these and many other purposes cities are organized as corporations and provided with distinct governments.

**81. Classification.**—All cities in Kansas are divided into three classes as follows :

First Class, having a population of over 15,000.

Second Class, having a population of 2000 to 15,000.

Third Class, having a population of 250 to 2000.

Each class is governed under a different law because larger cities require more officers and greater powers than *smaller ones*, but the general form of government is the



same for all. Cities of the third class in other states are usually organized as towns and villages. For all township purposes third class cities are subject to the government of the township in which they are located.

**82. Wards.**—For convenience in their government, cities of the first and second class are divided by their councils into wards. The number of wards in cities of over 4000 inhabitants must not be less than four and in no city may the number exceed six. Cities of the third class are not subdivided.

**83. The City Government,** like that of the State, consists of three departments. The mayor is the executive, the council is the legislature and the police court is the judiciary.

**84. The Mayor** is the chief officer of the city. In cities of the first and second class, he is elected in the "odd" years for a term of two years and in cities of the third class is chosen annually. It is his duty to enforce all the laws and ordinances relating to the government of the city. He presides over meetings of the council and either signs or vetoes the ordinances that are passed. An ordinance may be passed over his veto in cities of the first class by three-fourths and in cities of the second and third class by two-thirds of the entire council. The mayor appoints, subject to confirmation by the council, nearly all the city officers and, with consent of the council, may remit fines and grant pardons for offenses against the city ordinances. The efficiency of a city government depends almost entirely upon the honesty, energy and ability of the mayor.

**85. The Council** consist in cities of the first and second class of two councilmen from each ward, one of them elected annually in each ward for a term of two years, and in cities of the third class of five members elected annually by the city at large. The council have charge of the city finances, levy the city tax, and have power to pass laws

for the good government of the city. Laws passed by the council are called ordinances. They require for their passage a majority vote of the whole number of councilmen. The character of the ordinances that may be passed is determined by the city charter acts. The power of the council varies greatly in first, second and third class cities as the needs of cities increase in proportion to their size. The council choose a president who presides in the absence of the mayor.

**86. Police Judge and Justices.**—The police judge is elected at the same time and for the same term as the mayor, except in cities of the first class acting under the metropolitan police law.<sup>1</sup> The police judge has exclusive jurisdiction over offenses against the city ordinances. In cities of the first class the police court also has jurisdiction over minor violations of State laws. The city marshal is the executive officer of the court.

For the purpose of the election of justices of the peace, cities constitute single townships and as many justices and constables are chosen at the regular city elections as are necessary. They have the same jurisdiction and perform the same duties as in townships.<sup>2</sup>

**87. Other Officers,** provided by law, for the government of cities are the city clerk, treasurer, attorney, marshal, assessor and street commissioner. The council may add such other officers as fire marshal or superintendent of the fire department, city engineer, who is the official surveyor, city physician and city counsellor. The clerk,

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<sup>1</sup>**Police Commissioners.**—In cities of the first class, the control of the police department is usually taken from the city and placed in the hands of a board of three police commissioners, appointed by the governor for each city from among its own citizens for terms of two years. In these cities the police commissioners appoint the police judge, the city marshal and the policemen. The force is usually designated as the metropolitan police.

<sup>2</sup>*See Par. 75.*

treasurer and attorney in cities of the first class, and the treasurer and treasurer of the school board<sup>1</sup> in cities of the second class, are elected by the people at the same time and for the same term as the mayor. With these exceptions all the officers enumerated are appointed by the mayor, subject to confirmation by the council, for terms of two years in cities of the first class and for terms of one year in cities of the second and third class. Their salaries are determined by the city council, except that in cities of the first class the maximum payment is fixed by law. Their duties are for the most part sufficiently indicated by their titles.

The city attorney prosecutes in the police court all cases of violation of city ordinances, defends the city in suits brought against it and is the legal adviser of the other city officers. A city counsellor may be added by the council, in cities of the first class, to assist the city attorney.

The city marshal is chief of police. The marshal and policemen are appointed by the mayor, with consent of the council, except in cities acting under the metropolitan police law.

**88. Board of Education.**—Each city constitutes for school purposes a single school district. In cities of the first and second class, school affairs are controlled by a board of education, usually consisting of two members from each ward, elected for terms of two years, one half being chosen annually. In cities of the first class members are chosen by the city at large and in cities of the second class by the voters in each ward.<sup>2</sup> The board

<sup>1</sup> The council, in cities of the second class, may abolish the offices of treasurer and treasurer of the school board and confer their duties upon the city clerk.

<sup>2</sup> The law provides that the board shall consist of three members from each ward in cities of the first class having but four wards, but there are no cities that answer to this description. In cities of "over 35,000



choose the city superintendent and have entire charge of the schools, determine their expense, levy the school tax<sup>1</sup> and, with the consent of a majority of the electors, issue bonds when necessary for the construction of school buildings. In cities of the first class, the city treasurer acts as treasurer of the school board. In cities of the second class a treasurer of the board of education is usually elected by the people at the same time and for the same term as the mayor, but the council may abolish the office and confer its duties upon the city clerk. In cities of the third class schools are maintained as in the country school districts.

**89. Elections.**—City elections are held in cities of the first and second class on the first Tuesday and in cities of the third class on the first Monday in April. Women, possessing the qualifications required of men, are entitled to vote in all city elections. To prevent fraud, electors who intend to vote are required to register annually with the city clerk, at least ten days before election. Three judges and two clerks of election are appointed by the mayor and council for each ward and voting precinct, if the wards are divided into precincts.<sup>2</sup>

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inhabitants according to the federal census of 1890" the board consists of six members, one from each ward, the term is three years and two are chosen annually by the city at large. This act applies to Kansas City and was framed as stated in order to evade the constitutional prohibition against special legislation. In cities of the second class having more than 10,000 inhabitants the board consists of six members, two of them chosen annually for terms of three years from and by the city at large. Lawrence comes in this class.

<sup>1</sup> In cities of the second class, the school tax levy requires the approval of the council.

<sup>2</sup> **Commissioner of Elections.**—In cities of the first class, in which more than 6000 votes are cast at any general election, the governor appoints a commissioner of elections, who holds office for a term of four years. This officer conducts the registration of voters in place of the city clerk. In cities in which the metropolitan police law is in force, the

## TAXATION.

**90. Taxes.**—The expenses of State and local government are almost wholly paid by means of taxes. Taxes are contributions imposed upon individuals and corporations for the support of the government and for other public purposes. As the machinery of taxation is chiefly in the hands of local officers, the subject may properly be treated in connection with local government. The officers concerned in the imposition and collection of taxes have already been enumerated and their duties stated.

**91. The General Property Tax.**—By far the most important State tax is that imposed upon property. The law requires that all property, real and personal, not expressly exempt, shall be subject to taxation. Real property includes land and all things directly connected with land, such as buildings, improvements upon land, mines, quarries and the like. Personal property includes all things subject to ownership not forming a part of land, such as movables of every description, money, notes, bonds, mortgages, capital stock and shares in corporations and the like. The Constitution expressly exempts from taxation all property used exclusively for State, county, municipal, literary, educational, scientific, religious and charitable purposes, and personal property to the amount of two hundred dollars for each family.<sup>1</sup>

**92. Assessment.**—In townships the trustee acts as assessor, and in cities of the first and second class a special assessor is appointed. Every year in March all persons

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commissioner of elections and the police commissioners constitute a board of supervisors of elections. Otherwise the commissioner of elections appoints one councilman from each ward and all together act as board of supervisors of elections. This board, instead of the mayor, appoint judges and clerks, and have full and complete control of elections.

<sup>1</sup> See *Art. XI. Sec. 1.*

of full age, and all corporations in every township and city in the State, make out for the assessor, upon blanks furnished by him, a list showing the value of their personal property subject to taxation. Every other year (even years), the assessor makes out a list showing the value of all real property in his district. Both lists are returned to the county clerk by the 10th of May. Custom has established the rule of assessing all property at one-third or one-fourth its true value.

Railroad property is valued by the State board of railroad assessors.<sup>1</sup> All railroad corporations operating in the State are required to report to the State auditor in March their total number of miles of track, amount of rolling stock and other property. The State board of railroad assessors meet in April and assess the property of each road. The State auditor then estimates the average value of each road per mile of track and upon this basis determines and reports to the clerk of each county the value of the railroad property in each city, township and school district in his county and this assessment the clerk enters upon the tax rolls.

**93. Equalization.**—On the first Monday in June of each year the board of county commissioners meet as a board of equalization and equalize the assessments made for that year by the several assessors in the county. Whenever there is reason to think that particular assessors have valued property at a higher or lower rate than generally throughout the county, their assessment is lowered or raised as the case may be. Any persons who think that their property has been assessed too high, may appear before the board and corrections will be made, if necessary. After all corrections have been made, the county clerk forwards an abstract of the assessment roll to the State auditor.

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<sup>1</sup> See *Par. 43, Sec. 6.*

The State board of equalization<sup>1</sup> meet on the second Wednesday in July and equalize the assessments made in the several counties in the State, increasing or decreasing the assessment in particular counties by such a per cent. as may be necessary to secure a uniform rate of assessment throughout the State.

**94. Tax Levy.**—The legislature, at each regular session, passes an act to provide revenue for the two succeeding years. This act levies such a rate, expressed in number of mills on the dollar, as will yield the amount appropriated for current expenses and payment of interest on the State debt during the two years. As the act is passed before the assessment for the current year is completed, the rate is necessarily based upon the assessment for the preceding year. The State board of equalization, in changing the county assessments, take care to make the total valuation such as will yield, at the rate levied by the legislature, the amount needed for State purposes. At the same time the board levy such a rate for the support of the State University as will be necessary to meet the appropriations made by the legislature for that purpose. The State auditor then determines, upon the basis of the equalized valuation, the amount that it will be necessary for each county to raise for all State purposes and certifies the same to the county clerks. The clerk of each county then estimates the rate that must be levied upon the original assessment in his county in order to yield the required amount.<sup>2</sup>

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<sup>1</sup> See *Par. 43, Sec. 3.*

<sup>2</sup> It is proposed that the legislature levy the total amount of State taxes, leaving the rate to be determined by the State board of equalization after the assessment is completed. If in addition the practice of assessing property at its full value, as is required by law, could be established, the present system would be greatly simplified, and many of its inequalities removed.

When the assessment for each year is completed, the commissioners in each county levy the county tax, the council in each city levy the city tax, the trustee in each township levies the township tax, the school meeting and in cities of the first and second class the board of education levy the school tax, and the rate in each case is certified by the proper officers to the county clerk before the 25th of August. The tax levy for a city of the first and second class will then stand somewhat as follows:

	Total Rate in Mills.
State Tax . . . . .	4 2-10
County Fund . . . . .	19
City Fund . . . . .	18 1-2
Board of Education Fund . . . . .	15
	<hr/>
	56 7-10

Outside of cities, township and school district are to be substituted for city and board of education funds.

It now becomes the duty of the county clerk to determine the amount of taxes payable by each person and corporation upon their real and personal property and to set down the amount opposite the names in the tax roll. This work is completed and the tax roll delivered to the county treasurer by the first day of November.

**95. Collection.**—Taxes are payable to the county treasurer on and after the first of November. Every person may either pay his tax in full before December 20th or may pay half the amount before that date and the remainder any time before the 20th of the following June. Upon taxes paid in full before December 20th a rebate of five per cent. of half the tax is allowed. Taxes not paid in one of these two ways are increased by penalties of five per cent. imposed upon the amounts unpaid on the 20th days of December and June. If half the personal tax is not paid by the first date, the whole becomes due and the county treasurer issues a warrant to the sher-



iffording him to levy upon and sell personal property of the delinquent sufficient in amount to cover the tax and the cost of collection. In the same way the second half is collected if not paid by June 20th. Real estate, upon which taxes are not paid by the 20th of June, may in September, either be taken by the county or be advertised and sold at auction by the county treasurer for the amount of the taxes and other charges. Land put up at auction which cannot be sold for the amount of the taxes is bid in by the county treasurer in the name of the county. Land sold at tax sales may be redeemed within three years by the owner upon payment of the amount for which the land was sold and all subsequent taxes, with interest on both at fifteen per cent. Land bid in by the county, which remains unredeemed and for which no one has offered the amount of the taxes and interest due, may at the end of three years be returned to the owner upon the payment of such sum, less than the taxes, as it may seem for the best interests of the county to accept. As the taxes are collected, the county treasurer turns over to the State, city, township and school treasurers, the amounts levied for State, city, township and school purposes respectively.

**96. Other Taxes.**—In addition to the general property tax, a number of other taxes are authorized by law.

Licenses are taxes imposed upon persons engaging in various kinds of business, and hence are also called occupation taxes. Cities are authorized to levy a great number of these taxes, and county and township officers may impose them in a few cases.

Fees are charges made by State and local officers for particular services rendered to individuals. The amount that may be charged is determined by law. The income from this source is very considerable. Fees include court costs, by means of which persons engaged in litigation are required to pay a part of its expenses.



A road tax is imposed upon all able-bodied male persons between the ages of twenty-one and forty-five years. The peculiarity of this tax is that it is payable either in labor or money. The mode of collection has already been described.<sup>1</sup>

Special assessments are taxes levied in cities for the purpose of paying for the paving of streets, construction of sewers, and similar improvements. They are levied upon the property benefited by the improvements.

Poll taxes are authorized in cities of the second and third class, but are very rarely resorted to.

**97. Other Income.**—In addition to receipts from taxation, there are several other sources of revenue to the State. The most important one is the interest on the permanent school fund. This fund is derived chiefly from the sale of public lands given to the State by the Federal government. The investment of this fund is in the hands of the school fund commissioners,<sup>2</sup> and the income is divided annually by the State superintendent among the school districts in proportion to the number of children of school age in each.<sup>3</sup>

The State and its various political divisions are authorized to borrow money, for the purpose of defraying extraordinary expenses and making public improvements,<sup>4</sup> but income from loans is a temporary expedient, as the money must eventually be repaid with receipts from taxes.

The industries carried on in several of the State institutions, especially in the penitentiary, yield a considerable sum, which in part pays their expenses.

Although these several sources of income are of importance, the State must always depend for support chiefly upon taxation.

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<sup>1</sup> See *Par.* 74.

<sup>2</sup> See *Art. VI. Sects.* 3-5.

<sup>3</sup> See *Par.* 43, *Sec.* 2.

<sup>4</sup> See *Art. XI. Sects.* 5-7.

## CHAPTER IV.

### PARTY ORGANIZATION AND ELECTIONS.

**98. Political Parties** form the most important agency in the government of the people. They are voluntary political associations organized in order to secure the adoption of principles, in support of which all of the members are agreed. Parties promote good government, because government will be better when the party in power is closely watched and sharply criticised by its opponents. But parties are a means to an end and not the end itself and party loyalty should never usurp the place of patriotism. The organization of a political party consists of three divisions: the primary, the convention and the committee. The first and second are temporary bodies, the third is a permanent one.

**99. The Primary** is a meeting held by the members of one political party in order to make provision for the nomination of its candidates for office. Each party holds a primary for each township and in cities for each ward and the only persons entitled to vote are the members of the party who are voters in the township or ward in which the primary is held. Usually each primary chooses delegates, who meet the delegates, chosen in the other primaries held by the same party in the district, in a convention and there make the nominations. As each township or ward forms part of several districts, primaries must be held to choose delegates to several conventions, as to the city, representative district and county convention.

In the Crawford County system, so called because it originated in the county of that name in Pennsylvania,

the members of the party vote directly for the candidates whom they wish to nominate for the local offices, such as those chosen in the township, city and county, and the candidates receiving the largest number of votes get the nomination. If the nomination be for a township or ward office, the vote of a single primary determines the result. But if the nomination be for a city or county office, the same candidates are presented for nomination at the primaries held in each ward or township in the district, and the candidate who receives the largest number of votes in all the primaries is nominated. This system does away with the nominating convention, but it is suitable only for the nomination of officers to be voted for in small areas.

What is called the modified Crawford County system is a combination of the convention and Crawford County systems. Electors vote in the primaries for candidates for the nomination and also choose delegates to a convention and the delegates vote in the convention as they are instructed by the vote of the primary.

The system of nomination adopted by each party in each county is determined by the rules adopted by the party in its county convention and there is therefore no uniformity. In the larger number of counties nominations are made by delegate conventions. Many counties use the Crawford County system and some the modified system. In the same county, one party may use one system and another party use another system, or even the same party may use one system for nominating one set of officers and another system for another set.

Primaries are called by the party committee having supervision of the district in which the officer to be nominated is to be voted for. If the only object of the primary is to choose delegates to a nominating convention, the meeting organizes by the election of a chairman and secretary and then proceeds immediately to the choice of *delegates*. The manner of holding primary elections for

the nomination of candidates is regulated by State law.<sup>1</sup> A supervisor, appointed by the controlling committee, presides over the election and is assisted in receiving and counting the ballots by two judges and two clerks of election chosen by the members of the primary.

**100. Conventions** are meetings of delegates held by each party for the purpose of nominating candidates for office. Whenever the territory in which an officer is to be voted for is large, as for example, the whole State, or a congressional, judicial or senatorial district, nominations are almost invariably made by conventions. Nominations for local offices may be made, as already explained, either by conventions or by the direct vote of the party members in the primary. In addition to nomination of candidates, conventions appoint the party committee for the district for which they are called, adopt rules for the organization of the party and in many cases issue a platform, setting forth the principles of the party and arraigning the policy of its opponents. They consist either of delegates chosen in the primaries or of delegates chosen by other conventions. Delegates to city, county commissioner district and county conventions are chosen in the primaries. Delegates to representative district, State senatorial district and judicial district conventions are chosen sometimes in primaries and sometimes by the county convention. Delegates to the congressional district and State conventions are chosen by the county conventions. In the national convention, held once in four years to nominate candidates for President and Vice-President of the United States, each state has twice as many delegates as it has electoral votes, or in other words twice as many as it has senators and representatives together. This gives Kansas twenty delegates. Of this number fourteen are chosen by the congressional district conventions, two in each; and

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<sup>1</sup> Laws of 1891, Ch. 115.

six, corresponding to the two senators and the Congressman-at-Large<sup>1</sup>, are chosen by the state convention. Whenever delegates to a convention are appointed, an equal number of alternates is also chosen, who serve in the absence of the delegates.

City conventions, in case they are held, nominate the candidates for city offices. County commissioner district conventions nominate a county commissioner in each of the three districts into which each county is divided. This convention usually consists of the delegates from each district to the county convention. County conventions nominate candidates for all other county offices, choose delegates to the State and congressional district conventions and sometimes to representative, senatorial and judicial district conventions. Representative and State senatorial district conventions nominate candidates for the lower and upper house of the State legislature respectively. Judicial district conventions nominate candidates for district judge. Each congressional district convention nominates a candidate for representative in Congress and once in four years nominates one presidential elector and chooses two delegates to the national convention. State conventions nominate candidates for all State offices, for Congressman-at-Large and, in presidential years, nominate three candidates for presidential electors and choose six delegates to the national convention. Na-

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<sup>1</sup>The representation of the State in the national House of Representatives is based on its population. By the census of 1880 Kansas was entitled to seven representatives; by the census of 1890 it is entitled to eight representatives. The State legislature has not re-districted the State, so that we still have seven districts but are entitled to eight representatives. Under these circumstances, the federal apportionment act provides that the added congressman shall be chosen by the electors of the whole State. The Congressman so chosen is called the Congressman-at-Large. If the legislature re-districts the State, the Congressman-at-Large will be assigned to the added district and the distinction will disappear.



tional conventions nominate candidates for President and Vice-President of the United States. National and State conventions and sometimes even district conventions issue platforms, and each convention appoints the party committee for its district.

**101. Party Committees.**—We come now to the third division of the party organization. The primaries and conventions meet and dissolve as soon as the business for which they are called is transacted. The party committees, appointed by each convention for its own district and sometimes in the primaries, are permanent bodies and meet, at the call of the chairman and secretary, whenever there is work to be done. Usually the members are reappointed from year to year, so that the same men serve for a considerable time. The party committees call the conventions, fix the basis of representation in the convention by assigning one delegate each for a given number of votes cast by the party for some one of its candidates in the last preceding general election, apportion the delegates among the districts and make all other arrangements for holding the convention, raise money to defray election expenses, have charge of the campaign, and in general promote the interests of their party in every possible way. The committees organize by choosing a chairman and secretary, usually from their own number, and by appointing subcommittees, if they are necessary. The various committees are designated as the central committee of the district over which they have control.

In Kansas there are as a rule no township or ward committees. In cities the city committee consists of one member from each ward, chosen either in the primary or the city convention. The county central committees consist of one member from each township and ward in the county, chosen by the county convention, generally at the suggestion of the delegates from the township or ward represented. The county commissioner district committee

usually consists of the members of the county central committee for each district. The representative district committee, chosen by the representative district convention, consists of one member from each township and ward in the district. The senatorial district committee is chosen similarly when a single county constitutes a district, but where there is more than one county in the district, the committee usually consists of one member from each county, chosen by the county convention. The judicial and congressional district central committees consist of one member from each county, appointed by the respective conventions, upon nomination of the delegates from the county he represents. The State central committees consist at present of one member from each judicial district chosen by the State convention at the suggestion of the delegates from each district. The district represented may, of course, at any time, be changed by the State convention. The national committee is usually composed of one member, sometimes two or three members, from each state, chosen in the national convention by the delegates from the respective states. Within the State the important committees are the State central committee and the various county central committees. The former has general supervision of the affairs of the party in the whole State and at election time conducts the campaign. The chairman is often chosen by the candidates nominated for State offices. The county central committees have control of party affairs in each county and act in harmony with the State central committee. The duties of the remaining committees are usually confined to the call and arrangements for their respective conventions.

**102. Nomination Papers.**—Nominations of candidates for any office may also be made by nomination papers signed by qualified electors of the district for which the nomination is made. This mode of making nominations is sometimes called nomination by petition. If the nomi-

nation be for any office to be filled by the voters of the State at large, the nomination papers must be signed by at least five hundred qualified electors of the State. Nominations of candidates for county offices or for officers to be chosen in any of the several electoral districts into which the State is divided, may be made by nomination papers signed by twenty-five voters of the county or district, while nomination papers for city, town or ward offices require the signature of but ten voters of the city, town or ward as the case may be. Little use has as yet been made of this mode of nominating candidates. It makes it easy to place independent candidates in the field, but as a rule, without the support of a party organization, they stand little chance of election.

The organization of parties and the manner of making nominations have been described in detail,<sup>1</sup> because they are as a rule too little understood. It will be seen that the primary presents the only opportunity, that the individual voter has, to influence the nominations made by his party. Usually the primaries are attended and the nominations dictated by a small fraction of the party. If the party making the nomination has a clear majority in the district, the nomination is equivalent to an election. In the election, the voter is restricted in his choice to the candidates nominated and the choice is too often a choice of evils. It is therefore the duty of every good citizen to attend the primaries and there to do what he can to promote the choice of able and honest men for office.

**103. Elections.**—All elections in the State are held in

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<sup>1</sup> The usual form of organization has been given. There are so many variations that it is impossible to make any statement that will be true of all places and at all times. It is a useful exercise to organize the class as a primary or as a convention and then proceed to the choice of delegates or candidates. The pupil can derive much information in regard to party methods from the convention calls printed in the newspapers.

accordance with the Australian ballot law passed by the legislature in 1893. Township, county, district, State and national officers are chosen at the "general election" held in the fall, on the Tuesday next after the first Monday in November, and city officers are chosen at the spring election, held on the first Monday or Tuesday in April.

**104. The Ballots.**—The names of all candidates, nominated for offices to be filled by voters of the State at large and for offices to be filled in districts larger than a county, certified to by the officers of the convention making the nomination, and all nomination papers, naming candidates for the same offices, are sent to the secretary of state. Certificates of all nominations, made in conventions, in the primaries or by petition, for all offices which are to be filled in single counties, except city offices, are filed with the county clerks. Nominations for city offices are certified to the city clerk.

A short time before election, the secretary of state, from the list of nominations certified to him, makes a list of the candidates to be voted for in each county and sends it to the clerk of that county. From this list and the one already in his possession, each county clerk makes out an official ballot for each township and ward in the county, containing the names of all the candidates to be voted for in each township or ward and causes a sufficient number of ballots to be printed for use in the election. In city elections the duty of preparing the ballots devolves upon the city clerk,<sup>1</sup> who prepares and causes to be printed separate ballots for each ward, giving the names of all candidates in each respectively.

The form of the ballot, sometimes called from its size a "blanket" ballot, is prescribed by law. The names of

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<sup>1</sup> The law in regard to city elections is indefinite. It provides that ballots shall be printed at public expense, that nominations shall be certified to the city clerk, but it is merely implied that that officer shall prepare the ballots.



the candidates nominated by the several parties are arranged in parallel columns, with the party name at the head of each column, in the order of the importance of the office for which the nomination is made. At the left of each name there is a space in which the voter may indicate his choice. Immediately before the election the ballots are distributed in sealed packages to the election officers in the several election districts or voting precincts. The expense of printing and distributing the ballots in general elections is apportioned among the townships and cities of the first and second class in proportion to the vote in each at the last preceding general election. In city elections, the expense falls, of course, upon each city.

**105. Election Districts and Officers.**—Each township and in cities each ward constitutes an election district. Large townships and wards in cities of the first class may be divided into voting precincts. An election board, consisting of three judges and two clerks of elections, is appointed for each district or voting precinct. In townships the election officers are appointed by the township trustee. In cities, except those of the first class having an election commissioner, their appointment is made by the mayor, with the consent of the council. Both judges and clerks must as far as possible represent opposing political parties.

**106. Voting.**—One part of the room in which elections are held is enclosed by a guard rail. In the enclosed space are the election officers in charge of the ballots, the ballot box and the poll books. Near them are placed a number of closed voting booths, to which the voter retires to mark his ballot. In cities of the first and second class, voters are required to register once a year with the city clerk. In such cities a person wishing to vote gives his name to one of the judges, who repeats it aloud so that it may be heard distinctly in the room. If his name is found in the poll book by the judge who has it in charge,



and his right to vote is not challenged, he is admitted within the enclosure, is provided with an official ballot by the third judge and his name is checked on the poll book. The voter then retires to an unoccupied booth and votes, by marking with a cross (X) the names of the candidates of his choice. He then folds the ballot in such a way as to conceal the names and marks upon it and returns it to the election officers who deposit it in the ballot box. No one is allowed to mark a ballot so as to distinguish it from others. The object is to secure absolute secrecy in voting. If the voter spoils his ballot, he may return it and receive another, but he may not occupy more than ten minutes in voting, nor more than five, if other persons are waiting to occupy his booth. Besides the election officers, not more than one voter, in excess of the number of voting booths, is allowed in the enclosed space at one time, and no one who has voted is permitted to enter a second time. In districts in which registration is not required, the name of each voter is entered on the poll book when he receives his ballot. In all elections the polls must be kept open from eight in the morning until six at night.

**107. Corrupt Practices.**—By an act to prohibit what are known as "corrupt practices," every person is forbidden to give or promise, directly or indirectly, either money or any other valuable thing in order to influence voters in an election. Each candidate is required to file with the county clerk, within thirty days after the election, a sworn statement of the amount of money expended by him for election purposes, giving names of persons to whom the money has been paid, and each party or campaign committee is required to file a similar statement, showing in detail the amount of money received and the purposes for which it has been expended. The violation of this act is punishable by fine and imprisonment. Its enforcement will accomplish a great deal toward securing purity in elections.

**108. The Result.**—After the election is over the election officers count the votes, and having done this, announce the result to those present, and make a written return of the number of votes cast for each candidate and forward it with the ballots to the proper officers. In city elections, the returns are made to the city clerk. He presents the returns from the several wards or voting precincts to the city council. The council canvass the returns, and the candidates receiving the highest number of votes<sup>1</sup> are given certificates of election. In all other elections, the returns are made to the county clerk. The county clerk and county commissioners meet, canvass the vote and determine the number of votes cast for the several candidates. The clerk then issues certificates of election to the candidates for county and township offices who have received the highest number of votes. He must make abstracts of the number of votes cast for all State and district officers, for members of the legislature, representatives in Congress and electors of President and Vice-President of the United States, if these officers are voted for at the election, and forward them to the secretary of state. This officer presents the abstracts to the State Board of Canvassers, consisting of the governor, the secretary of state himself, the state auditor, treasurer and attorney-general. This board examine the statements and determine what candidates have received the highest number of votes and are duly elected, and the secretary of

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<sup>1</sup> **Majority and Plurality.**—The law provides, in case of all offices, that the candidate receiving the highest number of votes shall be elected. A candidate receiving more than half the votes cast is elected by a majority. If there are more than two candidates, the one receiving the highest number of votes, but less than a majority, is said to be elected by a plurality. His plurality is the number of votes he receives in excess of the number cast for the candidate receiving next to the highest number. In all elections, in case of a tie, it is decided by lot which candidate is elected.

state issues certificates of election in accordance with the decision of the board.

**109. The Officer-Elect.**—The candidate who has received a certificate of election is the officer-elect. When the term for which his predecessor was elected has expired, and when he has qualified by taking an oath to support the Constitution of the United States and of the State and faithfully to discharge the duties of his office and by filing the proper bond, when one is required, he becomes an officer. Each house of the State legislature and of Congress is the judge of the elections and qualifications of its members. Each house may therefore refuse a seat to the person holding the certificate of election, if, in its judgment, he has not been fairly elected or is not properly qualified.

CONSTITUTION  
OF THE  
STATE OF KANSAS.<sup>1</sup>

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PREAMBLE.

WE, the people of Kansas, grateful to Almighty God for our civil and religious privileges, in order to insure the full enjoyment of our rights as American citizens, do ordain and establish this constitution of the State of Kansas, with the following boundaries, to wit: Beginning at a point on the western boundary of the state of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence running west on said parallel to the twenty-fifth meridian of longitude west from Washington; thence north on said meridian to the fortieth parallel of north latitude; thence east on said parallel to the western boundary of the state of Missouri; thence south with the western boundary of said state to the place of beginning.

BILL OF RIGHTS.

SECTION 1. All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness.

SEC. 2. All political power is inherent in the people, and all free governments are founded on their authority, and are instituted for their equal protection and benefit. No special privileges or im-

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<sup>1</sup>In this text, the Ordinance, at the beginning of the Constitution, whereby the State, in return for certain grants of land, relinquished the right to tax land belonging to the United States, and the Schedule, at the end of the Constitution, which made provision for the change from a territorial to a State government, are omitted. The clauses that have been changed by amendment are printed as amended, and the clauses that have been added are inserted in their logical place in the text.

munities shall ever be granted by the legislature, which may not be altered, revoked or repealed by the same body ; and this power shall be exercised by no other tribunal or agency.

SEC. 3. The people have the right to assemble, in a peaceable manner, to consult for their common good, to instruct their representatives, and to petition the government, or any department thereof, for the redress of grievances.

SEC. 4. The people have the right to bear arms for their defense and security ; but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power.

SEC. 5. The right of trial by jury shall be inviolate.

SEC. 6. There shall be no slavery in this State ; and no involuntary servitude, except for the punishment of crime, whereof the party shall have been duly convicted.

SEC. 7. The right to worship God according to the dictates of conscience shall never be infringed ; nor shall any person be compelled to attend or support any form of worship ; nor shall any control of, or interference with the rights of conscience be permitted, nor any preference be given by law to any religious establishment or mode of worship. No religious test or property qualification shall be required for any office of public trust, nor for any vote at any election, nor shall any person be incompetent to testify on account of religious belief.

SEC. 8. The right to the writ of *habeas corpus* shall not be suspended, unless the public safety requires it in case of invasion or rebellion.

SEC. 9. All persons shall be bailable by sufficient sureties except for capital offenses, where proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted.

SEC. 10. In all prosecutions, the accused shall be allowed to appear and defend in person, or by counsel ; to demand the nature and cause of the accusation against him ; to meet the witness face to face, and to have compulsory process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed. No person shall be a witness against himself, or be twice put in jeopardy for the same offense.

SEC. 11. The liberty of the press shall be inviolate : and all per-



sons may freely speak, write or publish their sentiments on all subjects, being responsible for the abuse of such right ; and in all civil or criminal actions for libel, the truth may be given in evidence to the jury, and if it shall appear that the alleged libelous matter was published for justifiable ends, the accused party shall be acquitted.

SEC. 12. No person shall be transported from the State for any offense committed within the same, and no conviction in the State shall work a corruption of blood or forfeiture of estate.

SEC. 13. Treason shall consist only in levying war against the State, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the overt act, or confession in open court.

SEC. 14. No soldier shall, in time of peace, be quartered in any house without the consent of the occupant, nor in time of war, except as prescribed by law.

SEC. 15. The right of the people to be secure in their persons and property against unreasonable searches and seizures, shall be inviolate ; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons or property to be seized.

SEC. 16. No person shall be imprisoned for debt except in cases of fraud.

SEC. 17. No distinction shall ever be made between citizens of the State of Kansas and the citizens of other states and territories of the United States in reference to the purchase, enjoyment or descent of property. The rights of aliens in reference to the purchase, enjoyment or descent of property may be regulated by law. (*As amended Nov. 6, 1888.*)

SEC. 18. All persons, for injuries suffered in person, reputation or property, shall have remedy by due course of law, and justice administered without delay.

SEC. 19. No hereditary emoluments, honors, or privileges shall ever be granted or conferred by the State.

SEC. 20. This enumeration of rights shall not be construed to impair or deny others retained by the people ; and all powers not herein delegated remain with the people.

## ARTICLE I.

### EXECUTIVE.

SECTION 1. The executive department shall consist of a gov-  
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ernor, lieutenant governor, secretary of state, auditor, treasurer, attorney-general, and superintendent of public instruction ; who shall be chosen by the electors of the State at the time and place of voting for members of the legislature, and shall hold their offices for the term of two years from the second Monday of January, next after their election, and until their successors are elected and qualified.

SEC. 2. Until otherwise provided by law, an abstract of the returns of every election, for the officers named in the foregoing section, shall be sealed up and transmitted by the clerks of the boards of canvassers of the several counties, to the secretary of state, who, with the lieutenant-governor and attorney-general shall constitute a board of State canvassers, whose duty it shall be to meet at the State capital on the second Tuesday of December, succeeding each election for State officers, and canvass the vote for such officers and proclaim the result ; but in case any two or more have an equal and the highest number of votes, the legislature shall by joint ballot choose one of said persons so having an equal and the highest number of votes for said office.

SEC. 3. The supreme executive power of the State shall be vested in a governor, who shall see that the laws are faithfully executed.

SEC. 4. He may require information in writing from the officers of the executive department, upon any subject relating to their respective duties.

SEC. 5. He may, on extraordinary occasions, convene the legislature by proclamation, and shall, at the commencement of every session, communicate in writing such information as he may possess in reference to the condition of the State, and recommend such measures as he may deem expedient.

SEC. 6. In case of disagreement between the two houses in respect to the time of adjournment, he may adjourn the legislature to such time as he may think proper, not beyond its regular meeting.

SEC. 7. The pardoning power shall be vested in the governor, under regulations and restrictions prescribed by law.

SEC. 8. There shall be a seal of the State, which shall be kept by the governor, and used by him officially ; and which shall be the great seal of Kansas.

SEC. 9. All commissions shall be issued in the name of the State

of Kansas : signed by the governor, countersigned by the secretary of state, and sealed with the great seal.

SEC. 10. No member of congress, or officer of the State, or of the United States, shall hold the office of governor, except as herein provided.

SEC. 11. In case of the death, impeachment, resignation, removal or other disability of the governor, the power and duties of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the president of the senate.

SEC. 12. The lieutenant-governor shall be president of the senate, and shall vote only when the senate is equally divided. The senate shall choose a president *pro tempore*, to preside in case of his absence or impeachment, or when he shall hold the office of governor.

SEC. 13. If the lieutenant-governor, while holding the office of governor, shall be impeached or displaced, or shall resign or die, or otherwise become incapable of performing the duties of the office : the president of the senate shall act as governor until the vacancy is filled, or the disability removed ; and if the president of the senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of governor, the same shall devolve upon the speaker of the house of representatives.

SEC. 14. Should either the secretary of state, auditor, treasurer, attorney-general, or superintendent of public instruction, become incapable of performing the duties of his office for any of the causes specified in the thirteenth section of this article, the governor shall fill the vacancy until the disability is removed, or a successor is elected and qualified. Every such vacancy shall be filled by election, at the first general election that occurs more than thirty days after it shall have happened ; and the person chosen shall hold the office for the unexpired term.

SEC. 15. The officers mentioned in this article shall, at stated times, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the period for which they shall have been elected.

SEC. 16. The officers of the executive department, and of all public State institutions, shall, at least ten days preceding each regular session of the legislature, severally report to the governor, who shall transmit such reports to the legislature.

## ARTICLE II.

## LEGISLATIVE.

SECTION 1. The legislative power of this State shall be vested in a house of representatives and senate.

SEC. 2. The number of representatives and senators shall be regulated by law, but shall never exceed one hundred and twenty-five representatives and forty senators. From and after the adoption of the amendment the house of representatives shall admit one member for each county, in which at least two hundred and fifty legal votes were cast at the next preceding general election; and each organized county in which less than two hundred legal votes were cast at the next preceding general election shall be attached to and constitute a part of the representative district of the county lying next adjacent to it on the east. (*As amended Nov. 4, 1873.*)

SEC. 3. The members of the legislature shall receive as compensation for their services the sum of three dollars for each day's actual service at any regular or special session, and fifteen cents for each mile traveled by the usual route in going to and returning from the place of meeting; but such compensation shall not in the aggregate exceed the sum of two hundred and forty dollars for each member as per diem allowance for the first session held under this constitution, nor more than one hundred and fifty dollars for each session thereafter, nor more than ninety dollars for any special session.

SEC. 4. No person shall be a member of the legislature who is not at the time of his election a qualified voter of, and a resident in, the county or district for which he is elected.

SEC. 5. No member of congress or officer of the United States shall be eligible to a seat in the legislature. If any person, after his election to the legislature, be elected to congress or elected or appointed to any office under the United States, his acceptance thereof shall vacate his seat.

SEC. 6. No person convicted of embezzlement or misuse of the public funds shall have a seat in the legislature.

SEC. 7. All State officers, before entering upon their respective duties, shall take and subscribe an oath or affirmation to support the constitution of the United States and the constitution of this State, and faithfully to discharge the duties of their respective offices.



SEC. 8. A majority of each house shall constitute a quorum. Each house shall establish its own rules ; and shall be judge of the elections, returns and qualifications of its own members.

SEC. 9. All vacancies occurring in either house shall be filled for the unexpired term by election.

SEC. 10. Each house shall keep and publish a journal of its proceedings. The yeas and nays shall be taken and entered immediately on the journal, upon the final passage of every bill or joint resolution. Neither house, without the consent of the other, shall adjourn for more than two days, Sundays excepted.

SEC. 11. Any member of either house shall have the right to protest against any act or resolution ; and such protest shall, without delay or alteration, be entered on the journal.

SEC. 12. Bills may originate in either house, but may be amended or rejected by the other. (*As amended Nov. 8, 1864.*)

SEC. 13. A majority of all the members elected to each house, voting in the affirmative, shall be necessary to pass any bill or joint resolution.

SEC. 14. Every bill and joint resolution passed by the house of representatives and senate, shall, within two days thereafter, be signed by the presiding officers, and presented to the governor ; if he approve, he shall sign it ; but if not, he shall return it to the house of representatives, which shall enter the objections at large upon its journal and proceed to reconsider the same. If, after such reconsideration, two-thirds of the members elected shall agree to pass the bill or resolution, it shall be sent, with the objections, to the senate, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected, it shall become a law. But in all such cases, the vote shall be taken by yeas and nays, and entered upon the journals of each house. If any bill shall not be returned within three days, (Sundays excepted), after it shall have been presented to the governor, it shall become a law in like manner as if he had signed it, unless the legislature, by its adjournment, prevent its return, in which case it shall not become a law.

SEC. 15. Every bill shall be read on three separate days in each house, unless in case of emergency. Two-thirds of the house where such bill is pending may, if deemed expedient, suspend the rules ; but the reading of the bill by sections, on its final passage, shall in no case be dispensed with.

SEC. 16. No bill shall contain more than one subject, which



shall be clearly expressed in its title, and no law shall be revived or amended, unless the new act contain the entire act revived, or the section or sections amended, and the section or sections so amended shall be repealed.

SEC. 17. All laws of a general nature shall have a uniform operation throughout the State; and in all cases where a general law can be made applicable, no special law shall be enacted.

SEC. 18. All power to grant divorces is vested in the district courts, subject to regulation by law.

SEC. 19. The legislature shall prescribe the time when its acts shall be in force, and shall provide for the speedy publication of the same; and no law of a general nature shall be in force until the same be published. It shall have the power to provide for the election or appointment of all officers, and the filling of all vacancies not otherwise provided for in this constitution.

SEC. 20. The enacting clause of all laws shall be, "Be it enacted by the legislature of the State of Kansas;" and no law shall be enacted except by bill.

SEC. 21. The legislature may confer upon tribunals transacting the county business of the several counties, such powers of local legislation and administration as it shall deem expedient.

SEC. 22. For any speech or debate in either house, the members shall not be questioned elsewhere. No member of the legislature shall be subject to arrest—except for felony or breach of the peace—in going to, or returning from, the place of meeting, or during the continuance of the session; neither shall he be subject to the service of any civil process during the session, nor for fifteen days previous to its commencement.

SEC. 23. The legislature, in providing for the formation and regulation of schools, shall make no distinction between the rights of males and females.

SEC. 24. No money shall be drawn from the treasury, except in pursuance of a specific appropriation made by law, and no appropriation shall be for a longer term than two years. (*As amended Nov. 7, 1876.*)

SEC. 25. All sessions of the legislature shall be held at the State capital, and, beginning with the session of eighteen hundred and seventy-seven, all regular sessions shall be held once in two years, commencing on the second Tuesday of January of each alternate year thereafter. (*As amended Nov. 2, 1875.*)

SEC. 26. The legislature shall provide for taking an enumeration of the inhabitants of the State at least once in ten years. The first enumeration shall be taken in A. D. 1865.

SEC. 27. The house of representatives shall have the sole power to impeach. All impeachments shall be tried by the senate; and when sitting for that purpose, the senators shall take an oath to do justice according to the law and the evidence. No person shall be convicted without the concurrence of two-thirds of the senators elected.

SEC. 28. The governor and all other officers under this constitution shall be subject to impeachment for any misdemeanor in office; but judgment in all such cases shall not be extended further than to removal from office and disqualification to hold any office of profit, honor or trust under this constitution; but the party, whether acquitted or convicted, shall be liable to indictment, trial, judgment and punishment, according to law.

SEC. 29. At the general election held in eighteen hundred and seventy-six, and thereafter, members of the house of representatives shall be elected for two years, and members of the senate shall be elected for four years. (*Amendment of Nov. 2, 1875.*)

### ARTICLE III.

#### JUDICIAL.

SECTION 1. The judicial power of this State shall be vested in a supreme court, district courts, probate courts, justices of the peace, and such other courts, inferior to the supreme court, as may be provided by law; and all courts of record shall have a seal to be used in the authentication of all process.

SEC. 2. The supreme court shall consist of one chief justice and two associate justices (a majority of whom shall constitute a quorum), who shall be elected by the electors of the State at large, and whose term of office, after the first, shall be six years. At the first election, a chief justice shall be chosen for six years, one associate justice for four years, and one for two years.

SEC. 3. The supreme court shall have original jurisdiction in proceedings in *quo warranto*, *mandamus*, and *habeas corpus*; and such appellate jurisdiction as may be provided by law. It shall hold one term each year at the seat of government and such other terms at such places as may be provided by law, and its jurisdiction shall be coextensive with the State.

SEC. 4. There shall be appointed, by the justices of the supreme court, a reporter and clerk of said court, who shall hold their offices two years, and whose duties shall be prescribed by law.

SEC. 5. The State shall be divided into five judicial districts, in each of which there shall be elected, by the electors thereof, a district judge, who shall hold his office for the term of four years. District courts shall be held at such times and places as may be provided by law.

SEC. 6. The district courts shall have such jurisdiction in their respective districts as may be provided by law.

SEC. 7. There shall be elected in each organized county a clerk of the district court, who shall hold his office two years, and whose duties shall be prescribed by law.

SEC. 8. There shall be a probate court in each county, which shall be a court of record, and have such probate jurisdiction and care of estates of deceased persons, minors, and persons of unsound minds as may be prescribed by law : and shall have jurisdiction in cases of *habeas corpus*. This court shall consist of one judge, who shall be elected by the qualified voters of the county, and hold his office two years. He shall be his own clerk, and shall hold court at such times, and receive for compensation such fees, as may be prescribed by law.

SEC. 9. Two justices of the peace shall be elected in each township, whose term of office shall be two years, and whose powers and duties shall be prescribed by law. The number of justices of the peace may be increased in any township by law.

SEC. 10. All appeals from probate courts and justices of the peace shall be to the district court.

SEC. 11. All the judicial officers provided for by this article shall be elected at the first election under this constitution, and shall reside in their respective townships, counties or districts during their respective terms of office. In case of vacancy in any judicial office, it shall be filled by appointment of the governor until the next regular election that shall occur more than thirty days after such vacancy shall have happened.

SEC. 12. All judicial officers shall hold their offices until their successors shall have qualified.

SEC. 13. The justices of the supreme court and judges of the district court shall, at stated times, receive for their services such compensation as may be provided by law, which shall not be increased

during their respective terms of office : *Provided*, Such compensation shall not be less than fifteen hundred dollars to each justice or judge, each year, and such justices or judges shall receive no fees or perquisites nor hold any other office of profit or trust under the authority of the State, or the United States, during the term of office for which such justices and judges shall be elected, nor practice law in any of the courts in the State during their continuance in office.

SEC. 14. Provision may be made by law for the increase of the number of judicial districts whenever two-thirds of the members of each house shall concur. Such districts shall be formed of compact territory and bounded by county lines, and such increase shall not vacate the office of any judge.

SEC. 15. Justices of the supreme court and judges of the district courts may be removed from office by resolution of both houses, if two-thirds of the members of each house concur. But no such removal shall be made except upon complaint, the substance of which shall be entered upon the journal, nor until the party charged shall have had notice and opportunity to be heard.

SEC. 16. The several justices and judges of the courts of record in this State shall have such jurisdiction at chambers as may be provided by law.

SEC. 17. The style of all process shall be "The State of Kansas," and all prosecutions shall be carried on in the name of the State.

(Section 18 omitted. It provided for a temporary division of the State into judicial districts.)

SEC. 19. New or unorganized counties shall, by law, be attached, for judicial purposes, to the most convenient judicial district.

SEC. 20. Provision shall be made by law for the selection, by the bar, of a *pro tem.* judge of the district court, when the judge is absent or otherwise unable or disqualified to sit in any case.

#### ARTICLE IV.

##### ELECTIONS.

SECTION 1. All elections by the people shall be by ballot, and all elections by the legislature shall be *viva voce*.

SEC. 2. General elections shall be held annually on the Tuesday

succeeding the first Monday in November. Township elections shall be held on the first Tuesday in April, until otherwise provided by law.

## ARTICLE V.

### SUFFRAGE.<sup>1</sup>

SECTION 1. Every white<sup>2</sup> male person of twenty-one years and upwards belonging to either of the following classes—who shall have resided in Kansas six months next preceding any election, and in the township or ward, in which he offers to vote, at least thirty days next preceding such election—shall be deemed a qualified elector.

*First.* Citizens of the United States ;

*Second.* Persons of foreign birth who shall have declared their intention to become citizens conformably to the laws of the United States on the subject of naturalization.

SEC. 2. No person under guardianship, *non compos mentis*, or insane ; no person convicted of felony, unless restored to civil rights ; no person who has been dishonorably discharged from the service of the United States, unless reinstated ; no person guilty of defrauding the government of the United States, or any of the states thereof ; no person guilty of giving or receiving a bribe, or offering to give or receive a bribe ; and no person who has ever voluntarily borne arms against the government of the United States, or in any manner voluntarily aided or abetted in the attempted overthrow of said government, except all persons who have been honorably discharged from the military service of the United States since the first day of April, A. D. 1861, provided that they have served one year or more therein, shall be qualified to vote or hold office in this State, until such disability shall be removed by a law passed by a vote of two-thirds of all the members of both branches of the legislature. (*As amended Nov. 5, 1867.*)

SEC. 3. For the purpose of voting, no person shall be deemed to

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<sup>1</sup> The right of suffrage here provided for is the right to vote for State officers and members of the legislature. In other cases the legislature may prescribe the qualifications, as it has done by laws extending the suffrage to women in school and city elections.

<sup>2</sup> The word *white* was abrogated by the fifteenth amendment to the Constitution of the United States, which prohibited a denial of the right to vote because of race, color or previous condition of servitude.



have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas, nor while a student of any seminary of learning, nor while kept at any almshouse or other asylum at public expense, nor while confined in any public prison ; and the legislature may make provision for taking the votes of electors who may be absent from their townships or wards, in the volunteer military service of the United States, or the militia service of this State ; but nothing herein contained shall be deemed to allow any soldier, seaman or marine in the regular army or navy of the United States the right to vote. (*As amended Nov. 8, 1864.*)

SEC. 4. The legislature shall pass such laws as may be necessary for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established.

SEC. 5. Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or shall go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

SEC. 6. Every person who shall have given or offered a bribe to procure his election, shall be disqualified from holding office during the term for which he may have been elected.

SEC. 7. Electors, during their attendance at elections, and in going to and returning therefrom, shall be privileged from arrest in all cases except treason, felony, or breach of the peace.

## ARTICLE VI.

### EDUCATION.

SECTION 1. The State superintendent of public instruction shall have the general supervision of the common school funds and educational interests of the State, and perform such other duties as may be prescribed by law. A superintendent of public instruction shall be elected in each county, whose term of office shall be two years, and whose duties and compensation shall be prescribed by law.

SEC. 2. The legislature shall encourage the promotion of intellectual, moral, scientific and agricultural improvement, by establishing a uniform system of common schools, and schools of a higher grade, embracing normal, preparatory, collegiate and university departments.

SEC. 3. The proceeds of all lands that have been, or may be, granted by the United States to the State, for the support of schools, and the five hundred thousand acres of land granted to the new states, under an act of congress distributing the proceeds of public lands among the several states of the union, approved September 4, A. D. 1841, and all estates of persons dying without heir or will, and such per cent. as may be granted by congress on the sale of the lands in this State, shall be the common property of the State, and shall be a perpetual school fund, which shall not be diminished, but the interest of which, together with all the rents of the lands, and such other means as the legislature may provide, by tax or otherwise, shall be inviolably appropriated to the support of common schools.

SEC. 4. The income of the State school funds shall be disbursed annually, by order of the State superintendent, to the several county treasurers, and thence to the treasurers of the several school districts, in equitable proportion to the number of children and youth resident therein, between the ages of five and twenty-one years: *Provided*, That no school district, in which a common school has not been maintained at least three months in each year, shall be entitled to receive any portion of such funds.

SEC. 5. The school lands shall not be sold unless such sale shall be authorized by a vote of the people at a general election; but, subject to re-valuation every five years, they may be leased for any number of years not exceeding twenty-five, at a rate established by law.

SEC. 6. All money which shall be paid by persons as an equivalent for exemption from military duty; the clear proceeds of estrays, ownership of which shall vest in the taker-up; and the proceeds of fines for any breach of the penal laws, shall be exclusively applied, in the several counties in which the money is paid or fines collected, to the support of common schools.

SEC. 7. Provision shall be made by law for the establishment, at some eligible and central point, of a State university, for the promotion of literature, and the arts and sciences, including a normal and an agricultural department. All funds arising from the sale or rents of lands granted by the United States to the State for the support of a State university, and all other grants, donations or bequests, either by the State or by individuals, for such purpose, shall remain a perpetual fund, to be called the "univer-

sity fund"; the interest of which shall be appropriated to the support of the State university.

SEC. 8. No religious sect or sects shall ever control any part of the common school or university funds of the State.

SEC. 9. The State superintendent of public instruction, secretary of state and attorney-general shall constitute a board of commissioners, for the management and investment of the school funds. Any two of said commissioners shall be a quorum.

## ARTICLE VII.

### PUBLIC INSTITUTIONS.

SECTION 1. Institutions for the benefit of the insane, blind, and deaf and dumb, and such other benevolent institutions as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be prescribed by law. Trustees of such benevolent institutions as may be hereafter created shall be appointed by the governor, by and with the advice and consent of the senate; and upon all nominations made by the governor, the question shall be taken in yeas and nays, and entered upon the journal.

SEC. 2. A penitentiary shall be established, the directors of which shall be appointed or elected, as prescribed by law.

SEC. 3. The governor shall fill any vacancy that may occur in the offices aforesaid, until the next session of the legislature, and until a successor to his appointee shall be confirmed and qualified.

SEC. 4. The respective counties of the State shall provide, as may be prescribed by law, for those inhabitants, who, by reason of age, infirmity, or other misfortune, may have claims upon the sympathy and aid of society.

## ARTICLE VIII.

### MILITIA.

SECTION 1. The militia shall be composed of all able-bodied male citizens between the ages of twenty-one and forty-five years, except such as are exempted by the laws of the United States or of this State; but all citizens of any religious denomination whatever who from scruples of conscience may be averse to bearing arms shall be exempted therefrom upon such conditions as may be prescribed by law. (*As amended Nov. 6, 1888.*)

SEC. 2. The legislature shall provide for organizing, equipping and disciplining the militia in such manner as it shall deem expedient not incompatible with the laws of the United States.

SEC. 3. Officers of the militia shall be elected or appointed, and commissioned in such manner as may be provided by law.

SEC. 4. The governor shall be commander-in-chief, and shall have power to call out the militia to execute the laws, to suppress insurrection, and to repel invasion.

## ARTICLE IX.

### COUNTY AND TOWNSHIP ORGANIZATION.

SECTION 1. The legislature shall provide for organizing new counties, locating county seats, and changing county lines; but no county seat shall be changed without the consent of a majority of the electors of the county; nor any county organized, nor the lines of any county changed so as to include an area of less than four hundred and thirty-two square miles.

SEC. 2. The legislature shall provide for such county and township officers as may be necessary.

SEC. 3. All county officers shall hold their offices for the term of two years, and until their successors shall be qualified, except county commissioners, who shall hold their offices for the term of three years: *Provided*, That at the general election in the year eighteen hundred and seventy-seven the commissioner elected from district number one in each county shall hold his office for the term of one year, the commissioner elected from district number two in each county shall hold his office for the term of two years, and the commissioner elected from district number three in each county shall hold his office for the term of three years; but no person shall hold the office of sheriff or county treasurer for more than two consecutive terms. (*As amended Nov. 7, 1876.*)

SEC. 4. Township officers, except justices of the peace, shall hold their offices one year from the Monday next succeeding their election, and until their successors are qualified.

SEC. 5. All county and township officers may be removed from office, in such manner and for such cause as shall be prescribed by law.

## ARTICLE X.

## APPORTIONMENT.

SECTION 1. In the future apportionment of the State, each organized county shall have at least one representative; and each county shall be divided into as many districts as it has representatives.

SEC. 2. It shall be the duty of the first legislature to make an apportionment, based upon the census ordered by the last legislative assembly of the territory; and a new apportionment shall be made in the year 1866, and every five years thereafter, based upon the census of the preceding year.

(Section 3 omitted. It provided a temporary apportionment of the State into districts, for the election of senators and representatives.)

## ARTICLE XI.

## FINANCE AND TAXATION.

SECTION 1. The legislature shall provide for a uniform and equal rate of assessment and taxation; but all property used exclusively for State, county, municipal, literary, educational, scientific, religious, benevolent and charitable purposes, and personal property to the amount of at least two hundred dollars for each family, shall be exempted from taxation.

SEC. 2. The legislature shall provide for taxing the notes and bills discounted or purchased, moneys loaned, and other property, effects, or dues of every description, (without deduction) of all banks now existing, or hereafter to be created, and of all bankers; so that all property employed in banking shall always bear a burden of taxation equal to that imposed upon the property of individuals.

SEC. 3. The legislature shall provide, at each regular session, for raising sufficient revenue to defray the current expenses of the State for two years. (*As amended Nov. 2, 1875.*)

SEC. 4. No tax shall be levied except in pursuance of a law, which shall distinctly state the object of the same; to which object only such tax shall be applied.

SEC. 5. For the purpose of defraying extraordinary expenses and making public improvements, the State may contract public



debts ; but such debts shall never, in the aggregate, exceed one million dollars, except as hereinafter provided. Every such debt shall be authorized by law for some purpose specified therein, and the vote of a majority of all the members elected to each house, to be taken by the yeas and nays, shall be necessary to the passage of such law ; and every such law shall provide for levying an annual tax sufficient to pay the annual interest of such debt, and the principal thereof, when it shall become due ; and shall specifically appropriate the proceeds of such taxes to the payment of such principal and interest ; and such appropriation shall not be repealed nor the taxes postponed or diminished, until the interest and principal of such debt shall have been wholly paid.

SEC. 6. No debt shall be contracted by the State except as herein provided, unless the proposed law for creating such debt shall first be submitted to a direct vote of the electors of the State at some general election ; and if such proposed law shall be ratified by a majority of all the votes cast at such general election, then it shall be the duty of the legislature next after such election to enact such law and create such debt, subject to all the provisions and restrictions provided in the preceding section of this article.

SEC. 7. The State may borrow money to repel invasion, suppress insurrection, or defend the State in time of war ; but the money thus raised shall be applied exclusively to the object for which the loan was authorized, or to the repayment of the debt thereby created.

SEC. 8. The State shall never be a party in carrying on any works of internal improvement.

## ARTICLE XII.

### CORPORATIONS.

SECTION 1. The legislature shall pass no special act conferring corporate powers. Corporations may be created under general laws ; but all such laws may be amended or repealed.

SEC. 2. Dues from corporations shall be secured by individual liability of the stockholders to an additional amount equal to the stock owned by each stockholder, and such other means as shall be provided by law ; but such individual liabilities shall not apply to railroad corporations, nor corporations for religious or charitable purposes.

SEC. 3. The title to all property of religious corporations shall vest in trustees, whose election shall be by the members of such corporations.

SEC. 4. No right of way shall be appropriated to the use of any corporation, until full compensation therefor be first made in money, or secured by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation.

SEC. 5. Provision shall be made by general law for the organization of cities, towns and villages; and their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, shall be so restricted as to prevent the abuse of such power.

SEC. 6. The term corporations, as used in this article, shall include all associations and joint stock companies having powers and privileges not possessed by individuals or partnerships; and all corporations may sue and be sued in their corporate name.

### ARTICLE XIII.

#### BANKS AND CURRENCY.

SECTION 1. No bank shall be established otherwise than under a general banking law.

SEC. 2. All banking laws shall require, as collateral security for the redemption of the circulating notes of any bank, organized under their provisions, a deposit with the auditor of state, of the interest-paying bonds of the several states or of the United States, at the cash rates of the New York stock exchange, to an amount equal to the amount of circulating notes which such bank shall be authorized to issue, and a cash deposit in its vaults of ten per cent. of such amount of circulating notes; and the auditor shall register and countersign no more circulating bills of any bank than the cash value of such bonds when deposited.

SEC. 3. Whenever the bonds pledged as collateral security for the circulation of any bank shall depreciate in value, the auditor of state shall require additional security, or curtail the circulation of such bank, to such extent as will continue the security unimpaired.

SEC. 4. All circulating notes shall be redeemable in the money of the United States. Holders of such notes shall be entitled, in case of the insolvency of such banks, to preference of payment over all other creditors.

SEC. 5. The State shall not be a stockholder in any banking institution.

SEC. 6. All banks shall be required to keep offices and officers for the issue and redemption of their circulation, at a convenient place within the State, to be named on the circulating notes issued by such bank.

SEC. 7. No banking institution shall issue circulating notes of a less denomination than one dollar. (*As amended Nov. 5, 1861.*)

SEC. 8. No banking law shall be in force until the same shall have been submitted to a vote of the electors of the State at some general election, and approved by a majority of all the votes cast at such election.

SEC. 9. Any banking law may be amended or repealed.

## ARTICLE XIV.

### AMENDMENTS.

SECTION 1. Propositions for the amendment of this constitution may be made by either branch of the legislature; and if two-thirds of all the members elected to each house shall concur therein, such proposed amendments, together with the yeas and nays, shall be entered on the journal; and the secretary of state shall cause the same to be published in at least one newspaper in each county of the State where a newspaper is published, for three months preceding the next election for representatives, at which time the same shall be submitted to the electors for their approval or rejection; and if a majority of the electors voting on said amendments, at said election, shall adopt the amendments, the same shall become a part of the constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately; and not more than three propositions to amend shall be submitted at the same election.

SEC. 2. Whenever two-thirds of the members elected to each branch of the legislature shall think it necessary to call a convention to revise, amend or change this constitution, they shall recommend to the electors to vote at the next election of members to the legislature, for or against a convention; and if a majority of all the electors voting at such election shall have voted for a convention,

the legislature shall, at the next session, provide for calling the same.

## ARTICLE XV.

## MISCELLANEOUS.

SECTION 1. All officers whose election or appointment is not otherwise provided for, shall be chosen or appointed as may be prescribed by law.

SEC. 2. The tenure of any office not herein provided for may be declared by law; when not so declared, such office shall be held during the pleasure of the authority making the appointment, but the legislature shall not create any office the tenure of which shall be longer than four years.

SEC. 3. Lotteries and the sale of lottery tickets are forever prohibited.

SEC. 4. All public printing shall be done by a State printer who shall be elected by the legislature in joint session and shall hold his office for two years and until his successor shall be elected and qualified. The joint session of the legislature for the election of a State printer shall be on the third Tuesday of January, A. D. 1869, and every two years thereafter. All public printing shall be done at the capital, and the prices for the same shall be regulated by law. (*As amended Nov. 3, 1868.*)

SEC. 5. An accurate and detailed statement of the receipts and expenditures of the public moneys, and the several amounts paid, to whom, and on what account, shall be published, as prescribed by law.

SEC. 6. The legislature shall provide for the protection of the rights of women, in acquiring and possessing property, real, personal and mixed, separate and apart from the husband; and shall also provide for their equal rights in the possession of their children.

SEC. 7. The legislature may reduce the salaries of officers who shall neglect the performance of any legal duty.

SEC. 8. The temporary seat of government is hereby located at the city of Topeka, county of Shawnee. The first legislature under this constitution shall provide by law for submitting the question of the permanent location of the capital to a popular vote, and a majority of all the votes cast at some general election shall be necessary for such location.

SEC. 9. A homestead to the extent of one hundred and sixty acres of farming land, or of one acre within the limits of an incorporated town or city, occupied as a residence by the family of the owner, together with all the improvements on the same, shall be exempted from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife, when that relation exists ; but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon. *Provided*; The provisions of this section shall not apply to any process of law obtained by virtue of a lien given by the consent of both husband and wife.

SEC. 10. The manufacture and sale of intoxicating liquors shall be forever prohibited in this State, except for medical, scientific and mechanical purposes. (*Amendment of Nov. 2, 1880.*)



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# APPENDIX.



## GOVERNORS OF KANSAS, WITH DATES OF SERVICE.

### Territorial.\*

	<i>From</i>	<i>To</i>
1. Andrew H. Reeder . . . .	July 7, 1854	Aug. 16, 1855
2. Wilson Shannon . . . . .	Sept. 7, 1855	Aug. 18, 1856
3. John W. Geary . . . . .	Sept. 11, 1856	March 12, 1857
4. Robert J. Walker . . . .	May 27, 1857	Nov. 16, 1857
5. James W. Denver . . . .	Dec. 21, 1857	Oct. 10, 1858
6. Samuel Medary . . . . .	Dec. 20, 1858	Dec. 17, 1860

\* During the intervals between the dates given, the Secretary of the Territory acted as Governor.

### State.

	<i>From</i>	<i>To</i>
1. Charles Robinson . . . . .	Feb. 9, 1861	Jan. 12, 1863
2. Thomas Carney . . . . .	Jan. 12, 1863	Jan. 9, 1865
3. Samuel J. Crawford . . . .	Jan. 9, 1865	Nov. 4, 1868
4. Nehemiah Green . . . . .	Nov. 4, 1868	Jan. 11, 1869
5. James M. Harvey . . . . .	Jan. 11, 1869	Jan. 13, 1873
6. Thomas A. Osborn . . . .	Jan. 13, 1873	Jan. 8, 1877
7. George T. Anthony . . . .	Jan. 8, 1877	Jan. 13, 1879
8. John P. St. John . . . . .	Jan. 13, 1879	Jan. 8, 1883
9. George W. Glick . . . . .	Jan. 8, 1883	Jan. 12, 1885
10. John A. Martin . . . . .	Jan. 12, 1885	Jan. 14, 1889
11. Lyman U. Humphrey . . . .	Jan. 14, 1889	Jan. 9, 1893
12. Lorenzo D. Lewelling . . .	Jan. 9, 1893	Jan. 14, 1895
13. Edwin N. Morrill . . . . .	Jan. 14, 1895	Jan. 11, 1897

STATE GOVERNORS (*continued*).

14. John W. Leedy . . . . .	Jan. 11, 1897	Jan. 9, 1899
15. William E. Stanley . . . . .	Jan. 9, 1899	

## SALARIES OF PRINCIPAL STATE OFFICERS.



Governor . . . . .	\$3000
Secretary of State . . . . .	2500
Auditor . . . . .	2500
Treasurer . . . . .	2500
Attorney-General . . . . .	2500
Superintendent of Public Instruction . . . . .	2000
Justices of Supreme Court (three), each . . . . .	3000
Judges of the Appellate Courts (six), each . . . . .	2500
Judges of District Courts (thirty), each . . . . .	2500
State Bank Commissioner . . . . .	2500
State Architect . . . . .	2400
Superintendent of Insurance . . . . .	2000
Secretary of the Board of Agriculture . . . . .	2000
State Librarian . . . . .	1600
Adjutant-General . . . . .	1500
Commissioner of Labor and Industries . . . . .	1500
Secretary of Mine Industries . . . . .	1500
Secretary of State Historical Society . . . . .	1500
State Oil Inspector . . . . .	1500
State Grain Inspector . . . . .	1200

## COUNTIES IN KANSAS.

---

	<i>Counties</i>	<i>Organized</i>	<i>County Seat</i>	<i>Population in 1899</i>
1	Allen . . . . .	1855	Iola . . . . .	17,483
2	Anderson . . . . .	1855	Garnett . . . . .	14,227
3	Atchison . . . . .	1855	Atchison . . . . .	30,369
4	Barber . . . . .	1873	Medicine Lodge . . . . .	6,614
5	Barton . . . . .	1872	Great Bend . . . . .	13,601
6	Bourbon . . . . .	1855	Fort Scott . . . . .	25,494
7	Brown . . . . .	1855	Hiawatha . . . . .	20,991
8	Butler . . . . .	1855	El Dorado . . . . .	21,741
9	Chase . . . . .	1859	Cottonwood Falls . . . . .	7,937
10	Chautauqua . . . . .	1875	Sedan . . . . .	11,390
11	Cherokee . . . . .	1866	Columbus . . . . .	39,768
12	Cheyenne . . . . .	1886	St. Francis . . . . .	2,670
13	Clark . . . . .	1885	Ashland . . . . .	1,672
14	Clay . . . . .	1866	Clay Center . . . . .	16,064
15	Cloud . . . . .	1860	Concordia . . . . .	17,511
16	Coffey . . . . .	1859	Burlington . . . . .	15,951
17	Comanche . . . . .	1885	Coldwater . . . . .	1,446
18	Cowley . . . . .	1870	Winfield . . . . .	30,555
19	Crawford . . . . .	1867	Girard . . . . .	40,632
20	Decatur . . . . .	1880	Oberlin . . . . .	7,883
21	Dickinson . . . . .	1857	Abilene . . . . .	21,868
22	Doniphan . . . . .	1855	Troy . . . . .	15,556
23	Douglas . . . . .	1855	Lawrence . . . . .	25,424
24	Edwards . . . . .	1874	Kinsley . . . . .	3,393
25	Elk . . . . .	1875	Howard . . . . .	10,832
26	Ellis . . . . .	1867	Hays City . . . . .	7,879
27	Ellsworth . . . . .	1867	Ellsworth . . . . .	10,077
28	Finney . . . . .	1884	Garden City . . . . .	3,200
29	Ford . . . . .	1873	Dodge City . . . . .	4,698
30	Franklin . . . . .	1855	Ottawa . . . . .	21,964
31	Geary . . . . .	1855	Junction City . . . . .	10,721



	<i>Counties</i>	<i>Organized</i>	<i>County Seat</i>	<i>Population in 1889</i>
32	Gove . . . .	1886	Gove City . . . .	2,244
33	Graham . . . .	1880	Hill City . . . .	4,641
34	Grant . . . .	1888	Ulysses . . . .	405
35	Gray . . . .	1887	Cimarron . . . .	1,128
36	Greeley . . . .	1888	Tribune . . . .	464
37	Greenwood . . . .	1862	Eureka . . . .	15,409
38	Hamilton . . . .	1886	Syracuse . . . .	1,537
39	Harper . . . .	1873	Anthony . . . .	10,052
40	Harvey . . . .	1872	Newton . . . .	17,707
41	Haskell . . . .	1887	Santa Fe . . . .	434
42	Hodgeman . . . .	1879	Jetmore . . . .	1,971
43	Jackson . . . .	1857	Holton . . . .	18,121
44	Jefferson . . . .	1855	Oskaloosa . . . .	17,365
45	Jewell . . . .	1870	Mankato . . . .	17,874
46	Johnson . . . .	1855	Olathe . . . .	17,763
47	Kearny . . . .	1888	Lakin . . . .	1,049
48	Kingman . . . .	1873	Kingman . . . .	10,580
49	Kiowa . . . .	1886	Greensburg . . . .	2,051
50	Labette . . . .	1867	Oswego . . . .	27,968
51	Lane . . . .	1886	Dighton . . . .	1,661
52	Leavenworth . . . .	1855	Leavenworth . . . .	35,631
53	Lincoln . . . .	1870	Lincoln . . . .	9,275
54	Linn . . . .	1855	Mound City . . . .	16,054
55	Logan . . . .	1888	Russell Springs . . . .	1,899
56	Lyon . . . .	1858	Emporia . . . .	25,166
57	Marion . . . .	1865	Marion . . . .	20,746
58	Marshall . . . .	1855	Marysville . . . .	24,321
59	McPherson . . . .	1870	McPherson . . . .	21,301
60	Meade . . . .	1885	Meade . . . .	1,541
61	Miami . . . .	1855	Paola . . . .	20,542
62	Mitchell . . . .	1870	Beloit . . . .	13,836
63	Montgomery . . . .	1869	Independence . . . .	28,222
64	Morris . . . .	1858	Council Grove . . . .	11,408
65	Morton . . . .	1886	Richfield . . . .	305
66	Nemaha . . . .	1855	Seneca . . . .	20,326
67	Neosho . . . .	1864	Erie . . . .	20,187
68	Ness . . . .	1880	Ness City . . . .	4,225
69	Norton . . . .	1872	Norton . . . .	10,648
70	Osage . . . .	1859	Lyndon . . . .	23,888

<i>Counties</i>	<i>Organized</i>	<i>County Seat</i>	<i>Population in 1899</i>
71 Osborne . . .	1871	Osborne . . . . .	11,496
72 Ottawa . . . .	1866	Minneapolis . . . .	10,662
73 Pawnee . . . .	1872	Larned . . . . .	4,950
74 Phillips . . . .	1872	Phillipsburg . . . .	13,406
75 Pottawatomie .	1856	Westmoreland . . . .	18,130
76 Pratt . . . . .	1879	Pratt . . . . .	6,341
77 Rawlins . . . .	1881	Atwood . . . . .	5,127
78 Reno . . . . .	1872	Hutchinson . . . . .	27,152
79 Republic . . . .	1868	Belleville . . . . .	17,925
80 Rice . . . . .	1871	Lyons . . . . .	13,672
81 Riley . . . . .	1855	Manhattan . . . . .	12,915
82 Rooks . . . . .	1872	Stockton . . . . .	7,593
83 Rush . . . . .	1874	La Crosse . . . . .	5,677
84 Russell . . . . .	1872	Russell . . . . .	7,681
85 Saline . . . . .	1859	Salina . . . . .	16,670
86 Scott . . . . .	1886	Scott City . . . . .	1,071
87 Sedgwick . . . .	1870	Wichita . . . . .	40,379
88 Seward . . . . .	1886	Liberal . . . . .	721
89 Shawnee . . . .	1855	Topeka . . . . .	53,950
90 Sheridan . . . .	1880	Hoxie . . . . .	3,273
91 Sherman . . . .	1886	Goodland . . . . .	3,381
92 Smith . . . . .	1872	Smith Center . . . . .	15,543
93 Stafford . . . .	1879	St. John . . . . .	8,896
94 Stanton . . . . .	1887	Johnson City . . . .	294
95 Stevens . . . . .	1886	Hugoton . . . . .	568
96 Sumner . . . . .	1871	Wellington . . . . .	25,369
97 Thomas . . . . .	1885	Colby . . . . .	3,864
98 Trego . . . . .	1879	Wa Keeney . . . . .	2,443
99 Wabaunsee . . . .	1859	Alma . . . . .	12,329
100 Wallace . . . . .	1888	Sharon Springs . . . .	1,067
101 Washington . . .	1860	Washington . . . . .	21,373
102 Wichita . . . . .	1886	Leoti . . . . .	1,195
103 Wilson . . . . .	1865	Fredonia . . . . .	15,112
104 Woodson . . . . .	1855	Yates Center . . . . .	9,775
105 Wyandotte . . .	1859	Kansas City, . . . . .	65,563
The State . . . . .			1,425,119

**List of cities in Kansas having a population of  
more than 4000 inhabitants in 1899.**

1. Kansas City . . . . .	46,219
2. Topeka . . . . .	85,365
3. Wichita . . . . .	22,026
4. Leavenworth . . . . .	20,893
5. Atchison . . . . .	16,617
6. Pittsburg . . . . .	12,347
7. Lawrence . . . . .	11,437
8. Fort Scott . . . . .	10,892
9. Hutchinson . . . . .	9,015
10. Emporia . . . . .	9,001
11. Parsons . . . . .	8,020
12. Ottawa . . . . .	7,462
13. Arkansas City . . . . .	7,219
14. Newton . . . . .	6,687
15. Salina . . . . .	6,193
16. Argentine . . . . .	6,191
17. Winfield . . . . .	5,727
18. Coffeyville . . . . .	5,561
19. Junction City . . . . .	5,489
20. Galena . . . . .	5,143
21. Chanute . . . . .	4,290
22. Wellington . . . . .	4,159
23. Iola . . . . .	4,112
24. Independence . . . . .	4,112



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